

SECTION 3106

1 ***-0674/1.7* SECTION 3106.** 938.02 (14m) of the statutes is amended to read:

2 938.02 (14m) "Pupil assistance program" means a program provided by a
3 school board under s. ~~115.362 (4) (b) 2.~~ 115.361 to intervene in the abuse of alcohol
4 and other drugs by pupils.

5 ***-2105/1.67* SECTION 3107.** 938.02 (15g) of the statutes is amended to read:

6 938.02 (15g) "Secured child caring institution" means a child caring institution
7 operated by a child welfare agency that is licensed under s. 48.66 (1) (b) to hold in
8 secure custody persons adjudged delinquent.

9 ***-2105/1.68* SECTION 3108.** 938.02 (15m) of the statutes is amended to read:

10 938.02 (15m) "Secured correctional facility" means a correctional institution
11 operated or contracted for by the department of corrections or operated by the
12 department of health and family services for holding in secure custody persons
13 adjudged delinquent. "Secured correctional facility" includes the Mendota juvenile
14 treatment center under s. 46.057, the facility at which the juvenile boot camp
15 program under s. 938.532 is operated, and a facility authorized under s. 938.533 (3)
16 (b), 938.538 (4) (b) or 938.539 (5).

17 ***-2105/1.69* SECTION 3109.** 938.02 (15p) of the statutes is created to read:

18 938.02 (15p) "Secured group home" means a group home operated by a county
19 department that is licensed under s. 48.66 (1) (b) to hold in secure custody persons
20 who have been convicted under s. 938.183 or adjudicated delinquent under s. 938.183
21 or 938.34 (4h) or (4m).

22 ***-2105/1.70* SECTION 3110.** 938.02 (17) of the statutes is amended to read:

23 938.02 (17) "Shelter care facility" means a nonsecure place of temporary care
24 and physical custody for juveniles, including a holdover room, licensed by the
25 department of health and family services under s. 48.66 (1) (a).

1 ***-0276/1.1* SECTION 3111.** 938.06 (1) (a) 2. of the statutes is amended to read:

2 938.06 (1) (a) 2. The Subject to subd. 2m., the chief judge of the judicial
3 administrative district shall formulate written judicial policy governing intake and
4 court services for juvenile matters under this chapter and the director shall be
5 charged with executing the judicial policy. The chief judge shall direct and supervise
6 the work of all personnel of the court, except the work of the district attorney or
7 corporation counsel assigned to the court. The chief judge may delegate his or her
8 supervisory functions under s. 938.065 (1).

9 ***-0276/1.2* SECTION 3112.** 938.06 (1) (a) 2m. of the statutes is created to read:

10 938.06 (1) (a) 2m. In formulating judicial policy under subd. 2. governing
11 intake and court services, the chief judge may not direct the department of health
12 and family services to provide those services in any case in which the referral
13 information indicates that a juvenile should be referred to the court as delinquent,
14 in need of protection or services under this chapter or in violation of a civil law or
15 ordinance, unless that information indicates that the juvenile should also be referred
16 to the court as in need of protection or services under ch. 48. The chief judge shall
17 direct the department of health and family services and the county department to
18 coordinate the provision of services in cases in which the intake worker determines
19 under s. 48.24 (1) that prima facie jurisdiction exists under this chapter instead of
20 or in addition to ch. 48 and in cases in which the intake worker determines under s.
21 938.24 (1) that prima facie jurisdiction exists under ch. 48 instead of or in addition
22 to this chapter.

23 ***-2105/1.71* SECTION 3113.** 938.069 (1) (dj) of the statutes is amended to read:

1 938.069 (1) (dj) Provide aftercare services for a juvenile who has been released
2 from a secured correctional facility ~~or~~, a secured child caring institution or a secured
3 group home.

4 ***-2105/1.72* SECTION 3114.** 938.08 (3) (a) (intro.) of the statutes is amended
5 to read:

6 938.08 (3) (a) (intro.) In addition to the law enforcement authority specified in
7 sub. (2), department personnel designated by the department ~~and~~, personnel of an
8 agency contracted with under s. 301.08 (1) (b) 3. designated by agreement between
9 the agency and the department and personnel of a county contracted with under s.
10 301.08 (1) (b) 4. designated by agreement between the county and the department
11 have the power of law enforcement authorities to take a juvenile into physical
12 custody under the following conditions:

13 ***-2105/1.73* SECTION 3115.** 938.08 (3) (a) 1. of the statutes is amended to read:

14 938.08 (3) (a) 1. If they are in prompt pursuit of a juvenile who has run away
15 from a secured correctional facility ~~or~~, a child caring institution or a secured group
16 home.

17 ***-2105/1.74* SECTION 3116.** 938.08 (3) (a) 2. of the statutes is amended to read:

18 938.08 (3) (a) 2. If the juvenile has failed to return to a secured correctional
19 facility ~~or~~, a child caring institution or a secured group home after any authorized
20 absence.

21 ***-2105/1.75* SECTION 3117.** 938.08 (3) (b) of the statutes is amended to read:

22 938.08 (3) (b) A juvenile who is taken into custody under par. (a) may be
23 returned directly to the secured correctional facility ~~or~~, child caring institution or
24 secured group home and shall have a hearing regarding placement in a disciplinary
25 cottage or in disciplinary status in accordance with ch. 227.

1 ***-2105/1.76* SECTION 3118.** 938.17 (1) (c) of the statutes is amended to read:

2 938.17 (1) (c) If the court of civil or criminal jurisdiction orders the juvenile to
3 serve a period of incarceration of 6 months or more, that court shall petition the court
4 assigned to exercise jurisdiction under this chapter and ch. 48 to order one or more
5 of the dispositions provided in s. 938.34, including placement of the juvenile in a
6 secured correctional facility or a secured group home under s. 938.34 (4m), if
7 appropriate.

8 ***-1615/1.6* SECTION 3119.** 938.17 (2) (d) of the statutes is amended to read:

9 938.17 (2) (d) If a municipal court finds that the juvenile violated a municipal
10 ordinance other than an ordinance enacted under s. 118.163 or an ordinance that
11 conforms to s. 125.07 (4) (a) or (b), 125.085 (3) (b), 125.09 (2), 961.573 (2), 961.574 (2)
12 or 961.575 (2), the court shall enter any of the dispositional orders permitted under
13 s. 938.343 that are authorized under par. (cm). If a juvenile fails to pay the forfeiture
14 imposed by the municipal court, the court may not impose a jail sentence but may
15 suspend any license issued under ch. 29 for not less than 30 days nor more than 5
16 years, or, subject to the fee under s. 85.135, if applicable may suspend the juvenile's
17 operating privilege, as defined in s. 340.01 (40), for not less than 30 days nor more
18 than 5 years. If a court suspends a license or privilege under this section, the court
19 shall immediately take possession of the applicable license and forward it to the
20 department that issued the license, together with the notice of suspension clearly
21 stating that the suspension is for failure to pay a forfeiture imposed by the court. If
22 the forfeiture is paid during the period of suspension, the court shall immediately
23 notify the department, which shall thereupon return the license to the person.

24 ***-2105/1.77* SECTION 3120.** 938.183 (1) (a) of the statutes is amended to read:

1 938.183 (1) (a) A juvenile who has been adjudicated delinquent and who is
2 alleged to have violated s. 940.20 (1) or 946.43 while placed in a secured correctional
3 facility, a secure detention facility ~~or~~, a secured child caring institution or a secured
4 group home or who has been adjudicated delinquent and who is alleged to have
5 committed a violation of s. 940.20 (2m).

6 ***-2105/1.78* SECTION 3121.** 938.208 (2) of the statutes is amended to read:

7 938.208 (2) Probable cause exists to believe that the juvenile is a fugitive from
8 another state or has run away from a secured correctional facility, a secured child
9 caring institution or a secured group home and there has been no reasonable
10 opportunity to return the juvenile.

11 ***-2105/1.79* SECTION 3122.** 938.22 (title) of the statutes is amended to read:

12 **938.22 (title) Establishment of ~~secure detention facilities and shelter~~**
13 **~~care county or private juvenile facilities.~~**

14 ***-2105/1.80* SECTION 3123.** 938.22 (1) (a) of the statutes is amended to read:

15 938.22 (1) (a) Subject to s. 48.66 (1) (b), the county board of supervisors of any
16 county may establish a secured group home or a secure detention facility in
17 accordance with ss. 301.36 and 301.37 or the county boards of supervisors for 2 or
18 more counties may jointly establish a secure detention facility in accordance with ss.
19 46.20, 301.36 and 301.37. The county board of supervisors of any county may
20 establish a ~~secure detention facility or a shelter care facility or both~~ in accordance
21 with ss. 46.16 and 46.17 or the county boards of supervisors for 2 or more counties
22 may jointly establish a ~~secure detention facility or a shelter care facility or both~~ in
23 accordance with ss. 46.16, 46.17 and 46.20 ~~and 301.36~~. A private entity may
24 establish a secure detention facility in accordance with ss. 301.36 and 301.37 and

1 contract with one or more county boards of supervisors under s. 938.222 for holding
2 juveniles in the private secure detention facility.

3 ***-2105/1.81* SECTION 3124.** 938.22 (1) (b) of the statutes is amended to read:

4 938.22 (1) (b) Subject to sub. (3) (ar), in counties having a population of less
5 than 500,000, the nonjudicial operational policies of a public secured group home,
6 secure detention facility or shelter care facility shall be determined by the county
7 board of supervisors or, in the case of a public secured group home, secure detention
8 facility or shelter care facility established by 2 or more counties, by the county boards
9 of supervisors for the 2 or more counties jointly. Those policies shall be executed by
10 the superintendent appointed under sub. (3) (a).

11 ***-2105/1.82* SECTION 3125.** 938.22 (1) (c) of the statutes is amended to read:

12 938.22 (1) (c) In counties having a population of 500,000 or more, the
13 nonjudicial operational policies of a public secured group home, secure detention
14 facility and the detention section of the children's court center shall be established
15 by the county board of supervisors, and the execution thereof shall be the
16 responsibility of the director of the children's court center.

17 ***-2105/1.83* SECTION 3126.** 938.22 (2) (a) of the statutes is amended to read:

18 938.22 (2) (a) Counties shall submit plans for the secured group home, secure
19 detention facility or juvenile portion of the county jail to the department of
20 corrections and submit plans for the shelter care facility to the department of health
21 and family services. A private entity that proposes to establish a secure detention
22 facility shall submit plans for the secure detention facility to the department of
23 corrections. The applicable department shall review the submitted plans. A county
24 or a private entity may not implement any such plan unless the applicable
25 department has approved the plan. The department of corrections shall promulgate

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1 rules establishing minimum requirements for the approval of the operation of
2 secured group homes, secure detention facilities and the juvenile portion of county
3 jails. The plans and rules shall be designed to protect the health, safety and welfare
4 of the juveniles ~~in these~~ placed in those facilities.

5 ***-2105/1.84* SECTION 3127.** 938.22 (3) (a) of the statutes is amended to read:

6 938.22 (3) (a) In counties having a population of less than 500,000, public
7 secured group homes, secure detention facilities and public shelter care facilities
8 shall be in the charge of a superintendent. The county board of supervisors or, where
9 2 or more counties operate joint public secured group homes, secure detention
10 facilities or ~~public~~ shelter care facilities, the county boards of supervisors for the 2
11 or more counties jointly shall appoint the superintendent and other necessary
12 personnel for the care and education of the juveniles ~~in secure detention or shelter~~
13 ~~care~~ placed in those facilities, subject to par. (am) and to civil service regulations in
14 counties having civil service.

15 ***-2105/1.85* SECTION 3128.** 938.22 (3) (b) of the statutes is amended to read:

16 938.22 (3) (b) In counties having a population of 500,000 or more, the director
17 of the children's court center shall be in charge of and responsible for public secured
18 group homes, secure detention facilities, the secure detention section of the center
19 and the personnel assigned to this section, including a detention supervisor or
20 superintendent. The director of the children's court center may also serve as
21 superintendent of detention if the county board of supervisors so determines.

22 ***-2105/1.86* SECTION 3129.** 938.22 (7) (a) of the statutes is amended to read:

23 938.22 (7) (a) No person may establish a shelter care facility without first
24 obtaining a license under s. 48.66 (1) (a). To obtain a license under s. 48.66 (1) (a) to
25 operate a shelter care facility, a person must meet the minimum requirements for a

1 license established by the department of health and family services under s. 48.67,
2 meet the requirements specified in s. 48.685 and pay the license fee under par. (b).
3 A license issued under s. 48.66 (1) (a) to operate a shelter care facility is valid until
4 revoked or suspended, but shall be reviewed every 2 years as provided in s. 48.66 (5).

5 ***-2105/1.87* SECTION 3130.** 938.22 (7) (b) of the statutes is amended to read:

6 938.22 (7) (b) Before the department of health and family services may issue
7 a license under s. 48.66 (1) (a) to operate a shelter care facility, the shelter care facility
8 must pay to that department a biennial fee of \$60.50, plus a biennial fee of \$18.15
9 per juvenile, based on the number of juveniles that the shelter care facility is licensed
10 to serve. A shelter care facility that wishes to continue a license issued under s. 48.66
11 (1) (a) shall pay the fee under this paragraph by the continuation date of the license.
12 A new shelter care facility shall pay the fee under this paragraph by no later than
13 30 days before the opening of the shelter care facility.

14 ***-2105/1.88* SECTION 3131.** 938.22 (7) (c) of the statutes is amended to read:

15 938.22 (7) (c) A shelter care facility that wishes to continue a license issued
16 under s. 48.66 (1) (a) and that fails to pay the fee under par. (b) by the continuation
17 date of the license or a new shelter care facility that fails to pay the fee under par.
18 (b) by 30 days before the opening of the shelter care facility shall pay an additional
19 fee of \$5 per day for every day after the deadline that the facility fails to pay the fee.

20 ***-2105/1.89* SECTION 3132.** 938.23 (1) (a) of the statutes is amended to read:

21 938.23 (1) (a) Any juvenile alleged to be delinquent under s. 938.12 or held in
22 a secure detention facility shall be represented by counsel at all stages of the
23 proceedings, but a juvenile 15 years of age or older may waive counsel if the court is
24 satisfied that the waiver is knowingly and voluntarily made and the court accepts
25 the waiver. If the waiver is accepted, the court may not place the juvenile in a secured

1 correctional facility, a secured child caring institution or a secured group home,
2 transfer supervision of the juvenile to the department for participation in the serious
3 juvenile offender program or transfer jurisdiction over the juvenile to adult court.

4 ***-1732/1.5* SECTION 3133.** 938.24 (5) of the statutes is amended to read:

5 938.24 (5) The intake worker shall request that a petition be filed, enter into
6 a deferred prosecution agreement or close the case within 40 days or sooner of receipt
7 of referral information. Before entering into a deferred prosecution agreement, the
8 intake worker shall comply with s. 938.245 (1m), if applicable. If the case is closed
9 or a deferred prosecution agreement is entered into, the district attorney, corporation
10 counsel or other official under s. 938.09 shall receive written notice of such action.
11 If the case is closed, the known victims of the juvenile's alleged act shall receive notice
12 as provided under sub. (5m), if applicable. ~~In addition, if a deferred prosecution~~
13 ~~agreement is entered into placing a juvenile in a youth village program as described~~
14 ~~in s. 118.42, the judge or juvenile court commissioner shall receive written notice of~~
15 ~~such action and, on receipt of that notice, shall enter an order requiring compliance~~
16 ~~with that agreement.~~ A notice of deferred prosecution of an alleged delinquency case
17 shall include a summary of the facts surrounding the allegation and a list of prior
18 intake referrals and dispositions. If a law enforcement officer has made a
19 recommendation concerning the juvenile, the intake worker shall forward this
20 recommendation to the district attorney under s. 938.09. Notwithstanding the
21 requirements of this section, the district attorney may initiate a delinquency petition
22 under s. 938.25 within 20 days after notice that the case has been closed or that a
23 deferred prosecution agreement has been entered into. The judge shall grant
24 appropriate relief as provided in s. 938.315 (3) with respect to any such petition
25 which is not referred or filed within the time limits specified within this subsection.

1 Failure to object if a petition is not referred or filed within a time limit specified in
2 this subsection waives that time limit.

3 ***-1732/1.6* SECTION 3134.** 938.245 (2) (a) 9. of the statutes is repealed.

4 ***-1732/1.7* SECTION 3135.** 938.245 (2) (b) of the statutes is amended to read:

5 938.245 (2) (b) A deferred prosecution agreement, ~~other than an agreement~~
6 ~~under par. (a) 9.~~, may not include any form of out-of-home placement and may not
7 exceed one year.

8 ***-1732/1.8* SECTION 3136.** 938.245 (3) of the statutes is amended to read:

9 938.245 (3) The obligations imposed under a deferred prosecution agreement
10 and its effective date shall be set forth in writing. ~~If the deferred prosecution~~
11 ~~agreement places the juvenile in a youth village program under sub. (2) (a) 9., the~~
12 ~~judge or juvenile court commissioner shall receive written notice that a deferred~~
13 ~~prosecution agreement has been entered into and, on receipt of that notice, shall~~
14 ~~enter an order requiring compliance with that agreement.~~ The juvenile and a parent,
15 guardian and legal custodian shall receive a copy of the agreement and order, as shall
16 any agency providing services under the agreement.

17 ***-1732/1.9* SECTION 3137.** 938.245 (4) of the statutes is amended to read:

18 938.245 (4) The intake worker shall inform the juvenile and the juvenile's
19 parent, guardian and legal custodian in writing of their right to terminate ~~or, if the~~
20 ~~juvenile is subject to a deferred prosecution agreement under sub. (2) (a) 9., to~~
21 ~~request the court to terminate the deferred prosecution agreement at any time or to~~
22 object at any time to the fact or terms of the deferred prosecution agreement. If an
23 objection arises the intake worker may alter the terms of the agreement or request
24 the district attorney or corporation counsel to file a petition. If the deferred

1 prosecution agreement is terminated the intake worker may request the district
2 attorney or corporation counsel to file a petition.

3 ***-1732/1.10* SECTION 3138.** 938.245 (5) of the statutes is amended to read:

4 938.245 (5) A deferred prosecution agreement under sub. (2) (a) 1. to 8., (2g)
5 or (2v). may be terminated upon the request of the juvenile, parent, guardian or legal
6 custodian. ~~A deferred prosecution agreement under sub. (2)(a) 9. may be terminated~~
7 ~~by the court upon the request of the juvenile, parent, guardian or legal custodian.~~

8 ***-1732/1.11* SECTION 3139.** 938.32 (1) (a) of the statutes is amended to read:

9 938.32 (1) (a) At any time after the filing of a petition for a proceeding relating
10 to s. 938.12 or 938.13 and before the entry of judgment, the judge or juvenile court
11 commissioner may suspend the proceedings and place the juvenile under
12 supervision in the juvenile's own home or present placement ~~or in a youth village~~
13 ~~program as described in s. 118.42.~~ The court may establish terms and conditions
14 applicable to the parent, guardian or legal custodian, and to the juvenile, including
15 any of the conditions specified in subs. (1d), (1g), (1m), (1t), (1v) and (1x). The order
16 under this section shall be known as a consent decree and must be agreed to by the
17 juvenile; the parent, guardian or legal custodian; and the person filing the petition
18 under s. 938.25. If the consent decree includes any conditions specified in sub. (1g),
19 the consent decree shall include provisions for payment of the services as specified
20 in s. 938.361. The consent decree shall be reduced to writing and given to the parties.

21 ***-1732/1.12* SECTION 3140.** 938.32 (2) (c) of the statutes is amended to read:

22 938.32 (2) (c) Upon the motion of the court or the application of the juvenile,
23 parent, guardian, legal custodian, intake worker or any agency supervising the
24 juvenile under the consent decree, the court may, after giving notice to the parties
25 to the consent decree and their counsel, if any, extend the decree for up to an

1 additional 6 months ~~or, if the consent decree places the juvenile in a youth village~~
2 ~~program as described in s. 118.42, for up to an additional one year~~ in the absence of
3 objection to extension by the parties to the initial consent decree. If the parent,
4 guardian or legal custodian objects to the extension, the court shall schedule a
5 hearing and make a determination on the issue of extension. ~~A consent decree~~
6 ~~placing a juvenile in a youth village program as described in s. 118.42 may be~~
7 ~~extended no more than twice.~~

8 ***-2105/1.90* SECTION 3141.** 938.33 (3) (intro.) of the statutes is amended to
9 read:

10 938.33 (3) CORRECTIONAL PLACEMENT REPORTS. (intro.) A report recommending
11 placement of a juvenile in a secured correctional facility ~~under the supervision of the~~
12 ~~department or, a secured child caring institution~~ or a secured group home shall be
13 in writing, except that the report may be presented orally at the dispositional
14 hearing if the juvenile and the juvenile's counsel consent. A report that is presented
15 orally shall be transcribed and made a part of the court record. In addition to the
16 information specified under sub. (1) (a) to (d), the report shall include all of the
17 following:

18 ***-2105/1.91* SECTION 3142.** 938.33 (3) (a) of the statutes is amended to read:

19 938.33 (3) (a) A description of any less restrictive alternatives that are
20 available and that have been considered, and why they have been determined to be
21 inappropriate. If the judge has found that any of the conditions specified in s. 938.34
22 (4m) (b) 1., 2. or 3. applies, the report shall indicate that a less restrictive alternative
23 than placement in a secured correctional facility ~~or, a secured child caring institution~~
24 or a secured group home is not appropriate.

25 ***-2105/1.92* SECTION 3143.** 938.33 (3r) of the statutes is amended to read:

1 938.33 (3r) SERIOUS JUVENILE OFFENDER REPORT. If a juvenile has been
2 adjudicated delinquent for committing a violation for which the juvenile may be
3 placed in the serious juvenile offender program under s. 938.34 (4h) (a), the report
4 shall be in writing and, in addition to the information specified in sub. (1) and in sub.
5 (3) or (4), if applicable, shall include an analysis of the juvenile's suitability for
6 placement in the serious juvenile offender program under s. 938.34 (4h) or in a
7 secured correctional facility or a secured group home under s. 938.34 (4m), a
8 placement specified in s. 938.34 (3) or placement in the juvenile's home with
9 supervision and community-based programming and a recommendation as to the
10 type of placement for which the juvenile is best suited.

11 *~~1732/1.13~~* **SECTION 3144.** 938.34 (3) (dm) of the statutes is repealed.

12 *~~2105/1.93~~* **SECTION 3145.** 938.34 (4m) (intro.) of the statutes is amended to
13 read:

14 938.34 (4m) CORRECTIONAL PLACEMENT. (intro.) Place the juvenile in a secured
15 correctional facility, a secured child caring institution or a secured group home under
16 the supervision of the department if the juvenile is 12 years of age or over or, if the
17 juvenile is under 12 years of age, in a secured child caring institution or a secured
18 group home under the supervision of the department, unless the department, after
19 an examination under s. 938.50, determines that placement in a secured correctional
20 facility is more appropriate, but only if all of the following apply:

21 *~~2105/1.94~~* **SECTION 3146.** 938.34 (4n) (intro.) of the statutes is amended to
22 read:

23 938.34 (4n) AFTERCARE SUPERVISION. (intro.) Subject to s. 938.532 (3) and to any
24 arrangement between the department and a county department regarding the
25 provision of aftercare supervision for juveniles who have been released from a

1 secured correctional facility ~~or~~, a secured child caring institution or a secured group
2 home, designate one of the following to provide aftercare supervision for the juvenile
3 following the juvenile's release from the secured correctional facility ~~or~~, secured child
4 caring institution or secured group home:

5 ***-2105/1.95* SECTION 3147.** 938.34 (4n) (b) of the statutes is amended to read:

6 938.34 (4n) (b) The county department of the county of the court that placed
7 the juvenile in the secured correctional facility ~~or~~, secured child caring institution or
8 secured group home.

9 ***-0400/7.19* SECTION 3148.** 938.34 (5m) of the statutes is amended to read:

10 938.34 (5m) COMMUNITY SERVICE WORK PROGRAM. Order the juvenile to
11 participate in a youth corps program, as defined in s. ~~16.22~~ 46.78 (1) (dm) or another
12 community service work program, if the sponsor of the program approves the
13 juvenile's participation in the program.

14 ***-1615/1.7* SECTION 3149.** 938.34 (8) of the statutes is amended to read:

15 938.34 (8) FORFEITURE. Impose a forfeiture based upon a determination that
16 this disposition is in the best interest of the juvenile and in aid of rehabilitation. The
17 maximum forfeiture that the court may impose under this subsection for a violation
18 by a juvenile is the maximum amount of the fine that may be imposed on an adult
19 for committing that violation or, if the violation is applicable only to a person under
20 18 years of age, \$100. Any such order shall include a finding that the juvenile alone
21 is financially able to pay the forfeiture and shall allow up to 12 months for payment.
22 If the juvenile fails to pay the forfeiture, the court may vacate the forfeiture and order
23 other alternatives under this section, in accordance with the conditions specified in
24 this chapter; or the court may suspend any license issued under ch. 29 for not less
25 than 30 days nor more than 5 years, or, subject to the fee under s. 85.135, if

1 applicable, may suspend the juvenile's operating privilege as defined in s. 340.01 (40)
2 for not less than 30 days nor more than 5 years. If the court suspends any license
3 under this subsection, the clerk of the court shall immediately take possession of the
4 suspended license and forward it to the department which issued the license,
5 together with a notice of suspension clearly stating that the suspension is for failure
6 to pay a forfeiture imposed by the court. If the forfeiture is paid during the period
7 of suspension, the suspension shall be reduced to the time period which has already
8 elapsed and the court shall immediately notify the department which shall then
9 return the license to the juvenile. Any recovery under this subsection shall be
10 reduced by the amount recovered as a forfeiture for the same act under s. 938.45 (1r)
11 (b).

12 ***-2105/1.96* SECTION 3150.** 938.34 (8d) (c) of the statutes is amended to read:

13 938.34 (8d) (c) If a juvenile placed in a secured correctional facility ~~or~~ a secured
14 child caring institution or a secured group home fails to pay the surcharge under par.
15 (a), the department shall assess and collect the amount owed from the juvenile's
16 wages or other moneys. Any amount collected shall be transmitted to the state
17 treasurer.

18 ***-1615/1.8* SECTION 3151.** 938.343 (2) of the statutes is amended to read:

19 938.343 (2) Impose a forfeiture not to exceed the maximum forfeiture that may
20 be imposed on an adult for committing that violation or, if the violation is only
21 applicable to a person under 18 years of age, \$50. Any such order shall include a
22 finding that the juvenile alone is financially able to pay and shall allow up to 12
23 months for the payment. If a juvenile fails to pay the forfeiture, the court may
24 suspend any license issued under ch. 29 or, subject to the fee under s. 85.135, if
25 applicable, may suspend the juvenile's operating privilege as defined in s. 340.01

1 (40), for not less than 30 days nor more than 5 years. The court shall immediately
2 take possession of the suspended license and forward it to the department which
3 issued the license, together with the notice of suspension clearly stating that the
4 suspension is for failure to pay a forfeiture imposed by the court. If the forfeiture is
5 paid during the period of suspension, the court shall immediately notify the
6 department, which will thereupon return the license to the person. Any recovery
7 under this subsection shall be reduced by the amount recovered as a forfeiture for
8 the same act under s. 938.45 (1r) (b).

9 ***-2105/1.97* SECTION 3152.** 938.345 (1) (a) of the statutes is amended to read:

10 938.345 (1) (a) Place the juvenile in the serious juvenile offender program, a
11 secured correctional facility ~~or~~, a secured child caring institution or a secured group
12 home.

13 ***-2105/1.98* SECTION 3153.** 938.355 (1) of the statutes is amended to read:

14 938.355 (1) INTENT. In any order under s. 938.34 or 938.345, the court shall
15 decide on a placement and treatment finding based on evidence submitted to the
16 court. The disposition shall employ those means necessary to promote the objectives
17 specified in s. 938.01. If the disposition places a juvenile who has been adjudicated
18 delinquent outside the home under s. 938.34 (3) (c) or (d), the order shall include a
19 finding that the juvenile's current residence will not safeguard the welfare of the
20 juvenile or the community due to the serious nature of the act for which the juvenile
21 was adjudicated delinquent. If the judge has determined that any of the conditions
22 specified in s. 938.34 (4m) (b) 1., 2. or 3. applies, that determination shall be prima
23 facie evidence that a less restrictive alternative than placement in a secured
24 correctional facility ~~or~~, a secured child caring institution or a secured group home is
25 not appropriate. If information under s. 938.331 has been provided in a court report

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1 under s. 938.33 (1), the court shall consider that information when deciding on a
2 placement and treatment finding.

3 ***-2105/1.99* SECTION 3154.** 938.357 (3) of the statutes is amended to read:

4 938.357 (3) Subject to sub. (4) (b) and (c) and (5) (e), if the proposed change in
5 placement would involve placing a juvenile in a secured correctional facility ~~or in~~, a
6 secured child caring institution or a secured group home, notice shall be given as
7 provided in sub. (1). A hearing shall be held, unless waived by the juvenile, parent,
8 guardian and legal custodian, before the judge makes a decision on the request. The
9 juvenile shall be entitled to counsel at the hearing, and any party opposing or
10 favoring the proposed new placement may present relevant evidence and
11 cross-examine witnesses. The proposed new placement may be approved only if the
12 judge finds, on the record, that the conditions set forth in s. 938.34 (4h) ~~or (4m)~~ have
13 been met.

14 ***-2105/1.100* SECTION 3155.** 938.357 (4) (a) of the statutes is amended to read:

15 938.357 (4) (a) When the juvenile is placed with the department under s.
16 938.183 or 938.34 (4m), the department may, after an examination under s. 938.50,
17 place the juvenile in a secured correctional facility ~~or~~, a secured child caring
18 institution, a secured group home or on aftercare supervision, either immediately or
19 after a period of placement in a secured correctional facility ~~or~~, a secured child caring
20 institution or a secured group home. The department shall send written notice of the
21 change to the parent, guardian, legal custodian, county department designated
22 under s. 938.34 (4n), if any, and committing court. If the department places a juvenile
23 in a Type 2 secured correctional facility operated by a child welfare agency, the
24 department shall reimburse the child welfare agency at the rate established under
25 s. 46.037 that is applicable to the type of placement that the child welfare agency is

1 providing for the juvenile. A juvenile who is placed in a Type 2 secured correctional
2 facility ~~or~~, a secured child caring institution or a secured group home remains under
3 the supervision of the department, remains subject to the rules and discipline of ~~that~~
4 the department and is considered to be in custody, as defined in s. 946.42 (1) (a).

5 ***-2105/1.101* SECTION 3156.** 938.357 (4g) (a) of the statutes is amended to
6 read:

7 938.357 (4g) (a) Not later than 120 days after the date on which the juvenile
8 is placed in a secured correctional facility ~~or~~, a secured child caring institution or a
9 secured group home, or within 30 days after the date on which the department
10 requests the aftercare plan, whichever is earlier, the aftercare provider designated
11 under s. 938.34 (4n) shall prepare an aftercare plan for the juvenile. If the aftercare
12 provider designated under s. 938.34 (4n) is a county department, that county
13 department shall submit the aftercare plan to the department within the time limits
14 specified in this paragraph, unless the department waives those time limits under
15 par. (b).

16 ***-2105/1.102* SECTION 3157.** 938.357 (4g) (b) of the statutes is amended to
17 read:

18 938.357 (4g) (b) The department may waive the time period within which an
19 aftercare plan must be prepared and submitted under par. (a) if the department
20 anticipates that the juvenile will remain in the secured correctional facility ~~or~~,
21 secured child caring institution or secured group home for a period exceeding 8
22 months or if the juvenile is subject to s. 48.366 or 938.183. If the department waives
23 that time period, the aftercare provider designated under s. 938.34 (4n) shall prepare
24 the aftercare plan within 30 days after the date on which the department requests
25 the aftercare plan.

1 ***-2105/1.103* SECTION 3158.** 938.357 (4g) (d) of the statutes is amended to
2 read:

3 938.357 (4g) (d) A juvenile may be released from a secured correctional facility
4 ~~or~~, a secured child caring institution or a secured group home whether or not an
5 aftercare plan has been prepared under this subsection.

6 ***-2105/1.104* SECTION 3159.** 938.357 (5) (e) of the statutes is amended to read:

7 938.357 (5) (e) If the hearing examiner finds that the juvenile has violated a
8 condition of aftercare supervision, the hearing examiner shall determine whether
9 confinement in a secured correctional facility ~~or~~, a secured child caring institution
10 or a secured group home is necessary to protect the public, to provide for the juvenile's
11 rehabilitation or to not depreciate the seriousness of the violation.

12 ***-2105/1.105* SECTION 3160.** 938.357 (5) (f) of the statutes is amended to read:

13 938.357 (5) (f) Review of a revocation decision shall be by certiorari to the court
14 by whose order the juvenile was placed in a secured correctional facility ~~or~~, a secured
15 child caring institution or a secured group home.

16 ***-2105/1.106* SECTION 3161.** 938.38 (3) (a) of the statutes is amended to read:

17 938.38 (3) (a) If the juvenile is alleged to be delinquent and is being held in a
18 secure detention facility, juvenile portion of a county jail or shelter care facility, and
19 the agency intends to recommend that the juvenile be placed in a secured
20 correctional facility ~~or~~, a secured child caring institution or a secured group home,
21 the agency is not required to submit the permanency plan unless the court does not
22 accept the recommendation of the agency. If the court places the juvenile in any
23 facility outside of the juvenile's home other than a secured correctional facility ~~or~~, a
24 secured child caring institution or a secured group home, the agency shall file the
25 permanency plan with the court within 60 days after the date of disposition.

1 ***-2105/1.107* SECTION 3162.** 938.48 (4) of the statutes is amended to read:

2 938.48 (4) Provide appropriate care and training for juveniles under its
3 supervision under s. 938.183, 938.34 (4h), (4m) or (4n) or 938.357 (4); including
4 serving those juveniles in their own homes, placing them in licensed foster homes or
5 licensed treatment foster homes in accordance with s. 48.63 or licensed group homes,
6 contracting for their care by licensed child welfare agencies or replacing them in
7 juvenile secured correctional institutions ~~or facilities~~, secured child caring
8 institutions or secured group homes in accordance with rules promulgated under ch.
9 227, except that the department may not purchase the educational component of
10 private day treatment programs for juveniles in its custody unless the department,
11 the school board as defined in s. 115.001 (7) and the state superintendent of public
12 instruction all determine that an appropriate public education program is not
13 available. Disputes between the department and the school district shall be resolved
14 by the state superintendent of public instruction.

15 ***-2105/1.108* SECTION 3163.** 938.51 (1) (intro.) of the statutes is amended to
16 read:

17 938.51 (1) (intro.) At least 15 days prior to the date of release from a secured
18 correctional facility ~~or~~, a secured child caring institution or a secured group home of
19 a juvenile who has been adjudicated delinquent and at least 15 days prior to the
20 release from the supervision of the department or a county department of a juvenile
21 who has been adjudicated delinquent, the department or county department having
22 supervision over the juvenile shall make a reasonable attempt to do all of the
23 following:

24 ***-2105/1.109* SECTION 3164.** 938.51 (1m) of the statutes is amended to read:

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1 938.51 (1m) The department or county department having supervision over a
2 juvenile described in sub. (1) shall determine the local agencies that it will notify
3 under sub. (1) (a) based on the residence of the juvenile's parents or on the juvenile's
4 intended residence specified in the juvenile's aftercare supervision plan or, if those
5 methods do not indicate the community in which the juvenile will reside following
6 release from a secured correctional facility ~~or, from,~~ a secured child caring institution
7 or a secured group home or from the supervision of the department or county
8 department, the community in which the juvenile states that he or she intends to
9 reside.

10 ***-2105/1.110* SECTION 3165.** 938.51 (4) (intro.) of the statutes is amended to
11 read:

12 938.51 (4) (intro.) If a juvenile described in sub. (1), (1d) or (1g) escapes from
13 a secured correctional facility, child caring institution, secured group home,
14 inpatient facility, secure detention facility or juvenile portion of a county jail, or from
15 the custody of a peace officer or a guard of such a facility, institution, home or jail,
16 or has been allowed to leave a secured correctional facility, child caring institution,
17 secured group home, inpatient facility, secure detention facility or juvenile portion
18 of a county jail for a specified period of time and is absent from the facility, institution,
19 home or jail for more than 12 hours after the expiration of the specified period, as
20 soon as possible after the department or county department having supervision over
21 the juvenile discovers that escape or absence, that department or county department
22 shall make a reasonable attempt to notify by telephone all of the following persons:

23 ***-1070/1.1* SECTION 3166.** 938.533 (2) of the statutes is amended to read:

24 938.533 (2) CORRECTIVE SANCTIONS PROGRAM. From the appropriation under s.
25 20.410 (3) (hr), the department shall provide a corrective sanctions program to serve

1 an average daily population of ~~106 juveniles in fiscal year 1997-98~~ and 136 juveniles
2 in ~~fiscal year 1998-99~~, or an average daily population of more than ~~106 juveniles in~~
3 ~~fiscal year 1997-98~~ and 136 juveniles in ~~fiscal year 1998-99~~ if the appropriation
4 under s. 20.410 (3) (hr) is supplemented under s. 13.101 or 16.515 and the positions
5 for the program are increased under s. 13.101 or 16.505 (2) or if funding and positions
6 to serve more than ~~these~~ that average daily ~~populations~~ population are otherwise
7 available, in not less than 3 counties, including Milwaukee County. The office of
8 juvenile offender review in the department shall evaluate and select for participation
9 in the program juveniles who have been placed under the supervision of the
10 department under s. 938.183, 938.34 (4h) or (4m) or 938.357 (4). The department
11 shall place a program participant in the community, provide intensive surveillance
12 of that participant and provide an average of ~~\$5,000~~ \$3,000 per year per slot to
13 purchase community-based treatment services for each participant. The
14 department shall make the intensive surveillance required under this subsection
15 available 24 hours a day, 7 days a week, and may purchase or provide electronic
16 monitoring for the intensive surveillance of program participants. The department
17 shall provide a report center in Milwaukee County to provide on-site programming
18 after school and in the evening for juveniles from Milwaukee County who are placed
19 in the corrective sanctions program. A contact worker providing services under the
20 program shall have a case load of approximately 10 juveniles and, during the initial
21 phase of placement in the community under the program of a juvenile who is
22 assigned to that contact worker, shall have not less than one face-to-face contact per
23 day with that juvenile. Case management services under the program shall be
24 provided by a corrective sanctions agent who shall have a case load of approximately
25 15 juveniles. The department shall promulgate rules to implement the program.

1 ***-2105/1.111* SECTION 3167.** 938.533 (3) (a) of the statutes is amended to read:

2 938.533 (3) (a) A participant in the corrective sanctions program remains
3 under the supervision of the department, remains subject to the rules and discipline
4 of that department and is considered to be in custody, as defined in s. 946.42 (1) (a).
5 Notwithstanding ss. 938.19 to 938.21, if a juvenile violates a condition of that
6 juvenile's participation in the corrective sanctions program the department may,
7 without a hearing, take the juvenile into custody and place the juvenile in a secured
8 detention facility or return the juvenile to placement in a Type 1 secured correctional
9 facility ~~or~~, a secured child caring institution or a secured group home.

10 ***-2105/1.112* SECTION 3168.** 938.535 of the statutes is amended to read:

11 **938.535 Early release and intensive supervision program; limits.** The
12 department may establish a program for the early release and intensive supervision
13 of juveniles who have been placed in a secured correctional facility ~~or~~, a secured child
14 caring institution or a secured group home under s. 938.183 or 938.34 (4m). The
15 program may not include any juveniles who have been placed in a secured
16 correctional facility ~~or~~, a secured child caring institution or a secured group home as
17 a result of a delinquent act involving the commission of a violent crime as defined in
18 s. 969.035, but not including the crime specified in s. 948.02 (1).

19 ***-2105/1.113* SECTION 3169.** 938.538 (3) (a) 1. of the statutes is amended to
20 read:

21 938.538 (3) (a) 1. Subject to subd. 1m., placement in a Type 1 secured
22 correctional facility, a secured child caring institution, a secured group home or, if the
23 participant is 17 years of age or over or 15 years of age or over and transferred under
24 s. 938.357 (4) (d), a Type 1 prison, as defined in s. 301.01 (5), for a period of not more
25 than 3 years.

1 ***-2105/1.114* SECTION 3170.** 938.538 (3) (a) 1m. of the statutes is amended to
2 read:

3 938.538 (3) (a) 1m. If the participant has been adjudicated delinquent for
4 committing an act that would be a Class A felony if committed by an adult, placement
5 in a Type 1 secured correctional facility, a secured child caring institution, a secured
6 group home or, if the participant is 17 years of age or over or 15 years of age or over
7 and transferred under s. 938.357 (4) (d), a Type 1 prison, as defined in s. 301.01 (5),
8 until the participant reaches 25 years of age, unless the participant is released
9 sooner, subject to a mandatory minimum period of confinement of not less than one
10 year.

11 ***-2105/1.115* SECTION 3171.** 938.538 (3) (a) 1p. of the statutes is amended to
12 read:

13 938.538 (3) (a) 1p. Alternate care, including placement in a foster home,
14 treatment foster home, group home, secured group home, child caring institution or
15 secured child caring institution.

16 ***-2105/1.116* SECTION 3172.** 938.538 (4) (a) of the statutes is amended to read:

17 938.538 (4) (a) A participant in the serious juvenile offender program is under
18 the supervision and control of the department, is subject to the rules and discipline
19 of the department and is considered to be in custody, as defined in s. 946.42 (1) (a).
20 Notwithstanding ss. 938.19 to 938.21, if a participant violates a condition of his or
21 her participation in the program under sub. (3) (a) 2. to 9. while placed in a Type 2
22 secured correctional facility the department may, without a hearing, take the
23 participant into custody and return him or her to placement in a Type 1 secured
24 correctional facility, a secured child caring institution, a secured group home or, if the
25 participant is 17 years of age or over, a Type 1 prison, as defined in s. 301.01 (5). Any

1 intentional failure of a participant to remain within the extended limits of his or her
2 placement while participating in the serious juvenile offender program or to return
3 within the time prescribed by the administrator of the division of intensive sanctions
4 in the department is considered an escape under s. 946.42 (3) (c).

5 ***-2105/1.117* SECTION 3173.** 938.57 (1) (c) of the statutes is amended to read:

6 938.57 (1) (c) Provide appropriate protection and services for juveniles in its
7 care, including providing services for juveniles and their families in their own homes,
8 placing the juveniles in licensed foster homes, licensed treatment foster homes or
9 licensed group homes in this state or another state within a reasonable proximity to
10 the agency with legal custody or contracting for services for them by licensed child
11 welfare agencies or replacing them in juvenile secured correctional institutions or
12 facilities, secured child caring institutions or secured group homes in accordance
13 with rules promulgated under ch. 227, except that the county department may not
14 purchase the educational component of private day treatment programs unless the
15 county department, the school board as defined in s. 115.001 (7) and the state
16 superintendent of public instruction all determine that an appropriate public
17 education program is not available. Disputes between the county department and
18 the school district shall be resolved by the state superintendent of public instruction.

19 ***-2105/1.118* SECTION 3174.** 938.57 (4) of the statutes is amended to read:

20 938.57 (4) A county department may provide aftercare supervision under s.
21 938.34 (4n) for juveniles who are released from secured correctional facilities ~~or,~~
22 secured child caring institutions ~~operated by the department or secured group~~
23 homes. If a county department intends to change its policy regarding whether the
24 county department or the department shall provide aftercare supervision for
25 juveniles released from secured correctional facilities ~~or,~~ secured child caring

1 institutions ~~operated by the department or secured group homes~~, the county
2 executive or county administrator, or, if the county has no county executive or county
3 administrator, the chairperson of the county board of supervisors, or, for multicounty
4 departments, the chairpersons of the county boards of supervisors jointly, shall
5 submit a letter to the department stating that intent before July 1 of the year
6 preceding the year in which the policy change will take effect.

7 ***-2105/1.119* SECTION 3175.** 938.59 (1) of the statutes is amended to read:

8 938.59 (1) The county department shall investigate the personal and family
9 history and environment of any juvenile transferred to its legal custody or placed
10 under its supervision under s. 938.34 (4d) or (4n) and make any physical or mental
11 examinations of the juvenile considered necessary to determine the type of care
12 ~~necessary for the juvenile or placement that is best suited to the juvenile and to the~~
13 protection of the public. The county department shall screen a juvenile who is
14 examined under this subsection to determine whether the juvenile is in need of
15 special treatment or care because of alcohol or other drug abuse, mental illness or
16 severe emotional disturbance. The county department shall keep a complete record
17 of the information received from the court, the date of reception, all available data
18 on the personal and family history of the juvenile, the results of all tests and
19 examinations given the juvenile and a complete history of all placements of the
20 juvenile while in the legal custody or under the supervision of the county
21 department.

22 ***-2105/1.120* SECTION 3176.** 938.78 (3) of the statutes is amended to read:

23 938.78 (3) If a juvenile adjudged delinquent under s. 48.12, 1993 stats., or s.
24 938.12 or found to be in need of protection or services under s. 48.13 (12), 1993 stats.,
25 or s. 48.13 (14), 1993 stats., or s. 938.13 (12) or (14) on the basis of a violation of s.

1 941.10, 941.11, 941.20, 941.21, 941.23, 941.235, 941.237, 941.24, 941.26, 941.28,
2 941.295, 941.298, 941.30, 941.31, 941.32, 941.325, 943.02, 943.03, 943.04, 943.10 (2)
3 (a), 943.23 (1g), (1m) or (1r), 943.32 (2), 948.02, 948.025, 948.03, 948.05, 948.055,
4 948.60, 948.605 or 948.61 or any crime specified in ch. 940 has escaped from a secured
5 correctional facility, child caring institution, secured group home, inpatient facility,
6 as defined in s. 51.01 (10), secure detention facility or juvenile portion of a county jail,
7 or from the custody of a peace officer or a guard of such a facility, institution or jail,
8 or has been allowed to leave a secured correctional facility, child caring institution,
9 secured group home, inpatient facility, secure detention facility or juvenile portion
10 of a county jail for a specified time period and is absent from the facility, institution,
11 home or jail for more than 12 hours after the expiration of the specified period, the
12 department or county department having supervision over the juvenile may release
13 the juvenile's name and any information about the juvenile that is necessary for the
14 protection of the public or to secure the juvenile's return to the facility, institution,
15 home or jail. The department of corrections shall promulgate rules establishing
16 guidelines for the release of the juvenile's name or information about the juvenile to
17 the public.

18 ***-0086/3.2* SECTION 3177.** 938.78 (4) of the statutes is created to read:

19 938.78 (4) (a) Except as provided under pars. (b) and (c) or by order of the court,
20 no agency may make available for inspection or disclose the contents of any record
21 kept or information received relating to a foster parent, treatment foster parent or
22 family-operated group home, as defined in s. 48.627 (1), parent or a family member
23 of a foster parent, treatment foster parent or family-operated group home parent
24 without first receiving the written permission of the foster parent, treatment foster
25 parent or family-operated group home parent.

1 (b) Paragraph (a) does not apply to the confidential exchange of information
2 between an agency and another social welfare agency. A social welfare agency that
3 obtains information under this paragraph shall keep the information confidential as
4 required under this section and s. 48.78.

5 (c) Paragraph (a) does not prohibit an agency from disclosing the name and
6 address of a foster parent, treatment foster parent or family-operated group home
7 parent under s. 938.20 (8), 938.33 (5), 938.355 (2) (b) 2., 938.357 (1), (2m) or (4) (a)
8 or (c) 3. or 938.38 (4) (c) or from disclosing to the parent, guardian or legal custodian
9 of a juvenile the location of an alternate placement of the juvenile under s. 938.538
10 (3) (a) 1p.

11 ***-2105/1.121* SECTION 3178.** 939.635 (1) of the statutes is amended to read:

12 939.635 (1) Except as provided in sub. (2), if a person who has been adjudicated
13 delinquent is convicted of violating s. 940.20 (1) while placed in a secured correctional
14 facility, as defined in s. 938.02 (15m), a secure detention facility, as defined in s.
15 938.02 (16), ~~or~~ a secured child caring institution, as defined in s. 938.02 (15g), or a
16 secured group home, as defined in s. 938.02 (15p), or is convicted of violating s. 940.20
17 (2m), the court shall sentence the person to not less than 3 years of imprisonment.
18 Except as provided in sub. (2), if a person is convicted of violating s. 946.43 while
19 placed in a secured correctional facility, as defined in s. 938.02 (15m), a secure
20 detention facility, as defined in s. 938.02 (16), ~~or~~ a secured child caring institution,
21 as defined in s. 938.02 (15g), or a secured group home, as defined in s. 938.02 (15p),
22 the court shall sentence the person to not less than 5 years of imprisonment.

23 ***-2105/1.122* SECTION 3179.** 939.635 (2) (b) of the statutes is amended to read:

24 939.635 (2) (b) That imposing the applicable presumptive minimum sentence
25 specified in sub. (1) is not necessary to deter the person or other persons from

1 committing violations of s. 940.20 (1) or 946.43 or other similar offenses while placed
2 in a secured correctional facility, as defined in s. 938.02 (15m), a secure detention
3 facility, as defined in s. 938.02 (16), or a secured child caring institution, as defined
4 in s. 938.02 (15g), or a secured group home, as defined in s. 938.02 (15p), or from
5 committing violations of s. 940.20 (2m).

6 ***-2105/1.123* SECTION 3180.** 940.20 (2m) (a) 1. of the statutes is amended to
7 read:

8 940.20 (2m) (a) 1. "Aftercare agent" means any person authorized by the
9 department of corrections or a county department under s. 46.215, 46.22 or 46.23 to
10 exercise control over a juvenile on aftercare.

11 ***-1516/4.18* SECTION 3181.** 944.21 (8) (b) 3. a. of the statutes is amended to
12 read:

13 944.21 (8) (b) 3. a. Is a technical college, is a school approved by the ~~educational~~
14 ~~approval~~ higher educational aids board under s. 39.51 or is a school described in s.
15 39.51 (9) (f), (g) or (h) (1) (e) 6., 7. or 8.; and

16 ***-2105/1.124* SECTION 3182.** 946.42 (1) (a) of the statutes is amended to read:

17 946.42 (1) (a) "Custody" includes without limitation actual custody of an
18 institution, including a secured correctional facility, as defined in s. 938.02 (15m), a
19 secured child caring institution, as defined in s. 938.02 (15g), a secured group home,
20 as defined in s. 938.02 (15p), a secure detention facility, as defined in s. 938.02 (16),
21 a Type 2 child caring institution, as defined in s. 938.02 (19r), or a juvenile portion
22 of a county jail, or of a peace officer or institution guard and constructive custody of
23 prisoners and juveniles subject to an order under s. 48.366, 938.183, 938.34 (4d), (4h)
24 or (4m) or 938.357 (4) or (5) (e) temporarily outside the institution whether for the
25 purpose of work, school, medical care, a leave granted under s. 303.068, a temporary

1 leave or furlough granted to a juvenile or otherwise. Under s. 303.08 (6) it means,
2 without limitation, that of the sheriff of the county to which the prisoner was
3 transferred after conviction. It does not include the custody of a probationer, parolee
4 or person on extended supervision by the department of corrections or a probation,
5 extended supervision or parole officer or the custody of a person who has been
6 released to aftercare supervision under ch. 938 unless the person is in actual custody
7 or is subject to a confinement order under s. 973.09 (4).

8 ***-2105/1.125* SECTION 3183.** 946.44 (2) (c) of the statutes is amended to read:

9 946.44 (2) (c) "Institution" includes a secured correctional facility, as defined
10 in s. 938.02 (15m), a secured child caring institution, as defined in s. 938.02 (15g),
11 a secured group home, as defined in s. 938.02 (15p), and a Type 2 child caring
12 institution, as defined in s. 938.02 (19r).

13 ***-2105/1.126* SECTION 3184.** 946.44 (2) (d) of the statutes is amended to read:

14 946.44 (2) (d) "Prisoner" includes a person who is under the supervision of the
15 department of corrections under s. 938.34 (4h) ~~or, who is~~ placed in a secured
16 correctional facility ~~or, a~~ secured child caring institution or a secured group home
17 under s. 938.183, 938.34 (4m) or 938.357 (4) or (5) (e) ~~or, who is~~ placed in a Type 2
18 child caring institution under s. 938.34 (4d) or who is subject to an order under s.
19 48.366.

20 ***-2105/1.127* SECTION 3185.** 946.45 (2) (c) of the statutes is amended to read:

21 946.45 (2) (c) "Institution" includes a secured correctional facility, as defined
22 in s. 938.02 (15m), a secured child caring institution, as defined in s. 938.02 (15g),
23 a secured group home, as defined in s. 938.02 (15p), and a Type 2 child caring
24 institution, as defined in s. 938.02 (19r).

25 ***-2105/1.128* SECTION 3186.** 946.45 (2) (d) of the statutes is amended to read:

1 946.45 (2) (d) "Prisoner" includes a person who is under the supervision of the
2 department of corrections under s. 938.34 (4h) ~~or, who is~~ placed in a secured
3 correctional facility ~~or, a~~ secured child caring institution ~~or a secured group home~~
4 under s. 938.183, 938.34 (4m) or 938.357 (4) or (5) (e) ~~or, who is~~ placed in a Type 2
5 child caring institution under s. 938.34 (4d) or who is subject to an order under s.
6 48.366.

7 ***-1516/4.19*** **SECTION 3187.** 948.11 (4) (b) 3. a. of the statutes is amended to
8 read:

9 948.11 (4) (b) 3. a. Is a technical college, is a school approved by the ~~educational~~
10 ~~approval~~ higher educational aids board under s. 39.51 or is a school described in s.
11 39.51 (9) (f), (g) ~~or (h)~~ (1) (e) 6., 7. or 8.; and

12 ***-0589/2.29*** **SECTION 3188.** 949.08 (2) (g) of the statutes is repealed and
13 recreated to read:

14 949.08 (2) (g) Is included on the statewide support lien docket under s. 49.854
15 (2) (b), unless the victim provides to the department a payment agreement that has
16 been approved by the county child support agency under s. 59.53 (5) and that is
17 consistent with rules promulgated under s. 49.858 (2) (a).

18 ***-1410/2.4*** **SECTION 3189.** 950.06 (2) of the statutes is amended to read:

19 950.06 (2) The costs of providing services under sub. (1m) shall be paid for by
20 the county, but the county is eligible to receive reimbursement from the state for not
21 more than 90% of the costs incurred in providing those services. The department
22 shall determine the level of services for which a county may be reimbursed. The
23 county board shall file a claim for reimbursement with the department. The
24 department shall reimburse counties under this subsection from the appropriation

1 under s. 20.455 (5) (gc), (k), (kk), (kp) and (mh) and, on a semiannual basis, from the
2 appropriations under s. 20.455 (5) (c) and (g).

***NOTE: This is reconciled s. 950.06 (2). This SECTION has been affected by drafts
with the following LRB numbers: 1265/5 and 1410/1.

3 ***-1410/2.5* SECTION 3190.** 950.06 (5) of the statutes is amended to read:

4 950.06 (5) The department shall review and approve the implementation and
5 operation of programs and the annual reports under this section. The department
6 may suspend or terminate reimbursement under ~~s. 20.455 (5) (e) and (g)~~ sub. (2) if
7 the county fails to comply with its duties under this section. The department shall
8 promulgate rules under ch. 227 for implementing and administering county
9 programs approved under this section.

10 ***-2105/1.129* SECTION 3191.** 968.255 (7) (b) of the statutes is amended to read:

11 968.255 (7) (b) Is placed in or transferred to a secured correctional facility, as
12 defined in s. 938.02 (15m), ~~or a secured child caring institution, as defined in s. 938.02~~
13 (15g), or a secured group home, as defined in s. 938.02 (15p).

14 ***-2105/1.130* SECTION 3192.** 973.013 (3m) of the statutes is amended to read:

15 973.013 (3m) If a person who has not attained the age of 16 years is sentenced
16 to the Wisconsin state prisons, the department of corrections shall place the person
17 at a secured juvenile correctional facility ~~or, a secured child caring institution~~ or a
18 secured group home, unless the department of corrections determines that
19 placement in an institution under s. 302.01 is appropriate based on the person's prior
20 record of adjustment in a correctional setting, if any; the person's present and
21 potential vocational and educational needs, interests and abilities; the adequacy and
22 suitability of available facilities; the services and procedures available for treatment
23 of the person within the various institutions; the protection of the public; and any

1 other considerations promulgated by the department of corrections by rule. This
2 subsection does not preclude the department of corrections from designating an
3 adult correctional institution as a reception center for the person and subsequently
4 transferring the person to a secured juvenile correctional facility ~~or~~, a secured child
5 caring institution or a secured group home. Section 302.11 and ch. 304 apply to all
6 persons placed in a secured juvenile correctional facility ~~or~~, a secured child caring
7 institution or a secured group home under this subsection.

8 ***-0063/2.32* SECTION 3193.** 973.05 (1) of the statutes is amended to read:

9 973.05 (1) When a defendant is sentenced to pay a fine, the court may grant
10 permission for the payment of the fine, of the penalty assessment imposed by s.
11 ~~165.87~~ 757.05, the jail assessment imposed by s. 302.46 (1), the crime victim and
12 witness assistance surcharge under s. 973.045, the crime laboratories and drug law
13 enforcement assessment imposed by s. 165.755, any applicable deoxyribonucleic acid
14 analysis surcharge under s. 973.046, any applicable drug abuse program
15 improvement surcharge imposed by s. 961.41 (5), any applicable consumer
16 information assessment imposed by s. 100.261, any applicable domestic abuse
17 assessment imposed by s. 971.37 (1m) (c) 1. or 973.055, any applicable driver
18 improvement surcharge imposed by s. 346.655, any applicable enforcement
19 assessment imposed by s. 253.06 (4) (c), any applicable weapons assessment imposed
20 by s. 167.31, any applicable uninsured employer assessment imposed by s. 102.85 (4),
21 any applicable environmental assessment imposed by s. 299.93, any applicable wild
22 animal protection assessment imposed by s. 29.983, any applicable natural resources
23 assessment imposed by s. 29.987 and any applicable natural resources restitution
24 payment imposed by s. 29.989 to be made within a period not to exceed 60 days. If
25 no such permission is embodied in the sentence, the fine, the penalty assessment, the

1 jail assessment, the crime victim and witness assistance surcharge, the crime
2 laboratories and drug law enforcement assessment, any applicable deoxyribonucleic
3 acid analysis surcharge, any applicable drug abuse program improvement
4 surcharge, any applicable consumer information assessment, any applicable
5 domestic abuse assessment, any applicable driver improvement surcharge, any
6 applicable enforcement assessment, any applicable weapons assessment, any
7 applicable uninsured employer assessment, any applicable environmental
8 assessment, any applicable wild animal protection assessment, any applicable
9 natural resources assessment and any applicable natural resources restitution
10 payment shall be payable immediately.

****NOTE: This is reconciled s. 973.05 (1). This SECTION has been affected by drafts
with the following LRB numbers: 0063/1 and 1265/5.

11 ***-0063/2.33* SECTION 3194.** 973.05 (2) of the statutes is amended to read:
12 973.05 (2) When a defendant is sentenced to pay a fine and is also placed on
13 probation, the court may make the payment of the fine, the penalty assessment, the
14 jail assessment, the crime victim and witness assistance surcharge, the crime
15 laboratories and drug law enforcement assessment, any applicable deoxyribonucleic
16 acid analysis surcharge, any applicable drug abuse program improvement
17 surcharge, any applicable consumer information assessment, any applicable
18 domestic abuse assessment, any applicable uninsured employer assessment, any
19 applicable driver improvement surcharge, any applicable enforcement assessment
20 under s. 253.06 (4) (c), any applicable weapons assessment, any applicable
21 environmental assessment, any applicable wild animal protection assessment, any
22 applicable natural resources assessment and any applicable natural resources
23 restitution payments a condition of probation. When the payments are made a

1 condition of probation by the court, payments thereon shall be applied first to
2 payment of the penalty assessment until paid in full, shall then be applied to the
3 payment of the jail assessment until paid in full, shall then be applied to the payment
4 of part A of the crime victim and witness assistance surcharge until paid in full, shall
5 then be applied to part B of the crime victim and witness assistance surcharge until
6 paid in full, shall then be applied to the crime laboratories and drug law enforcement
7 assessment until paid in full, shall then be applied to the deoxyribonucleic acid
8 analysis surcharge until paid in full, shall then be applied to the drug abuse
9 improvement surcharge until paid in full, shall then be applied to payment of the
10 driver improvement surcharge until paid in full, shall then be applied to payment
11 of the domestic abuse assessment until paid in full, shall then be applied to payment
12 of the consumer information assessment until paid in full, shall then be applied to
13 payment of the natural resources assessment if applicable until paid in full, shall
14 then be applied to payment of the natural resources restitution payment until paid
15 in full, shall then be applied to the payment of the environmental assessment if
16 applicable until paid in full, shall then be applied to the payment of the wild animal
17 protection assessment if applicable until paid in full, shall then be applied to
18 payment of the weapons assessment until paid in full, shall then be applied to
19 payment of the uninsured employer assessment until paid in full, shall then be
20 applied to payment of the enforcement assessment under s. 253.06 (4) (c), if
21 applicable, until paid in full and shall then be applied to payment of the fine.

22 ***-0063/2.34*** SECTION 3195. 973.07 of the statutes is amended to read:

23 **973.07 Failure to pay fine or costs or to comply with certain**
24 **community service work.** If the fine, costs, penalty assessment, jail assessment,
25 crime victim and witness assistance surcharge, crime laboratories and drug law

1 enforcement assessment, applicable deoxyribonucleic acid analysis surcharge,
2 applicable drug abuse program improvement surcharge, applicable consumer
3 information assessment, applicable domestic abuse assessment, applicable driver
4 improvement surcharge, applicable enforcement assessment under s. 253.06 (4) (c),
5 applicable weapons assessment, applicable uninsured employer assessment,
6 applicable environmental assessment, applicable wild animal protection
7 assessment, applicable natural resources assessment and applicable natural
8 resources restitution payments are not paid or community service work under s.
9 943.017 (3) is not completed as required by the sentence, the defendant may be
10 committed to the county jail until the fine, costs, penalty assessment, jail
11 assessment, crime victim and witness assistance surcharge, crime laboratories and
12 drug law enforcement assessment, applicable deoxyribonucleic acid analysis
13 surcharge, applicable drug abuse program improvement surcharge, applicable
14 consumer information assessment, applicable domestic abuse assessment,
15 applicable driver improvement surcharge, applicable enforcement assessment
16 under s. 253.06 (4) (c), applicable weapons assessment, applicable uninsured
17 employer assessment, applicable environmental assessment, applicable wild animal
18 protection assessment, applicable natural resources assessment or applicable
19 natural resources restitution payments are paid or discharged, or the community
20 service work under s. 943.017 (3) is completed, for a period fixed by the court not to
21 exceed 6 months.

22 ***-0440/1.1*** **SECTION 3196.** 977.08 (5) (b) (intro.) of the statutes is amended to
23 read:

SECTION 3196

1 977.08 (5) (b) (intro.) Except as provided in ~~par. pars.~~ (bn) and (br), any of the
2 following constitutes an annual caseload standard for an assistant state public
3 defender in the subunit responsible for trials:

4 ***-0440/1.2* SECTION 3197.** 977.08 (5) (br) of the statutes is created to read:

5 977.08 (5) (br) Beginning on July 1, 2000, the state public defender may exempt
6 up to 10 full-time assistant state public defenders in the subunit responsible for
7 trials from the annual caseload standards under par. (b) based on their need to
8 perform other assigned duties.

9 ***-1268/2.1* SECTION 3198.** 978.03 (3) of the statutes is amended to read:

10 978.03 (3) Any assistant district attorney under sub. (1), (1m) or (2) must be
11 an attorney admitted to practice law in this state and, except as provided in s.
12 978.043, may perform any duty required by law to be performed by the district
13 attorney. The district attorney of the prosecutorial unit under sub. (1), (1m) or (2)
14 may appoint such temporary counsel as may be authorized by the department of
15 administration.

16 ***-1268/2.2* SECTION 3199.** 978.04 of the statutes is amended to read:

17 **978.04 Assistants in certain prosecutorial units.** The district attorney of
18 any prosecutorial unit having a population of less than 100,000 may appoint one or
19 more assistant district attorneys as necessary to carry out the duties of his or her
20 office and as may be requested by the department of administration authorized in
21 accordance with s. 16.505. Any such assistant district attorney must be an attorney
22 admitted to practice law in this state and, except as provided in s. 978.043, may
23 perform any duty required by law to be performed by the district attorney.

24 ***-1268/2.3* SECTION 3200.** 978.043 of the statutes is created to read:

1 **978.043 Assistants for prosecution of sexually violent person**
2 **commitment cases.** The district attorney of the prosecutorial unit that consists of
3 Brown County and the district attorney of the prosecutorial unit that consists of
4 Milwaukee County shall each assign one assistant district attorney in his or her
5 prosecutorial unit to be a sexually violent person commitment prosecutor. An
6 assistant district attorney assigned under this section to be a sexually violent person
7 commitment prosecutor may engage only in the prosecution of sexually violent
8 person commitment proceedings under ch. 980 and, at the request of the district
9 attorney of the prosecutorial unit, may file and prosecute sexually violent person
10 commitment proceedings under ch. 980 in any prosecutorial unit in this state.

11 ***-1268/2.4* SECTION 3201.** 978.05 (8) (b) of the statutes is amended to read:
12 978.05 (8) (b) Hire, employ and supervise his or her staff and, subject to s.
13 978.043, make appropriate assignments of the staff throughout the prosecutorial
14 unit. The district attorney may request the assistance of district attorneys, deputy
15 district attorneys or assistant district attorneys from other prosecutorial units or
16 assistant attorneys general who then may appear and assist in the investigation and
17 prosecution of any matter for which a district attorney is responsible under this
18 chapter in like manner as assistants in the prosecutorial unit and with the same
19 authority as the district attorney in the unit in which the action is brought. Nothing
20 in this paragraph limits the authority of counties to regulate the hiring, employment
21 and supervision of county employees.

22 ***-1412/1.1* SECTION 3202.** 978.13 (1) (b) of the statutes is amended to read:
23 978.13 (1) (b) In counties having a population of 500,000 or more, the salary
24 and fringe benefit costs of 2 clerk positions providing clerical services to the
25 prosecutors in the district attorney's office handling cases involving felony violations

1 under ch. 961. The state treasurer shall pay the amount authorized under this
2 paragraph to the county treasurer pursuant to a voucher submitted by the district
3 attorney to the department of administration from the appropriation under s. 20.475
4 (1) (i). The amount paid under this paragraph may not exceed ~~\$70,500~~ \$75,200 in
5 the ~~1997-98~~ 1999-2000 fiscal year and ~~\$73,000~~ \$77,500 in the ~~1998-99~~ 2000-01
6 fiscal year.

7 ***-1412/1.2* SECTION 3203.** 978.13 (1) (c) of the statutes is amended to read:

8 978.13 (1) (c) In counties having a population of 500,000 or more, the salary and
9 fringe benefit costs of clerk positions in the district attorney's office necessary for the
10 prosecution of violent crime cases primarily involving felony violations under s.
11 939.63, if a felony is committed while armed, and under ss. 940.01 to 940.03, 940.05,
12 940.06, 940.225, 943.23 (1g), (1m) and (1r) and 943.32 (2). The state treasurer shall
13 pay the amount authorized under this paragraph to the county treasurer pursuant
14 to a voucher submitted by the district attorney to the secretary of administration
15 from the appropriation under s. 20.475 (1) (i). The amount paid under this paragraph
16 may not exceed ~~\$88,500~~ \$94,400 in the ~~1997-98~~ 1999-2000 fiscal year and ~~\$91,600~~
17 \$97,200 in the ~~1998-99~~ 2000-01 fiscal year.

18 ***-0284/3.7* SECTION 3204.** 980.01 (1) of the statutes is renumbered 980.01
19 (1s).

20 ***-0284/3.8* SECTION 3205.** 980.01 (1L) and (1m) of the statutes are created to
21 read:

22 980.01 (1L) "Daily cost of institutional care" means the daily cost of programs
23 and facilities for the control, care and treatment of a person placed at a secure mental
24 health unit or facility specified in s. 980.065.

1 **(1m)** “Daily cost of supervised release” means the daily cost of providing for all
2 necessary programs and facilities for the control, care and treatment of a person on
3 supervised release under this chapter.

4 ***-2105/1.131* SECTION 3206.** 980.015 (2) (b) of the statutes is amended to read:

5 980.015 (2) (b) The anticipated release from a secured correctional facility, as
6 defined in s. 938.02 (15m), or a secured child caring institution, as defined in s. 938.02
7 (15g), or a secured group home, as defined in s. 938.02 (15p), of a person adjudicated
8 delinquent under s. 938.183 or 938.34 on the basis of a sexually violent offense.

9 ***-2105/1.132* SECTION 3207.** 980.02 (1) (b) 2. of the statutes is amended to
10 read:

11 980.02 (1) (b) 2. The county in which the person will reside or be placed upon
12 his or her discharge from a sentence, release on parole or extended supervision, or
13 release from imprisonment, from a secured correctional facility, as defined in s.
14 938.02 (15m), ~~or from~~ a secured child caring institution, as defined in s. 938.02 (15g),
15 from a secured group home, as defined in s. 938.02 (15p), or from a commitment order.

16 ***-2105/1.133* SECTION 3208.** 980.02 (2) (ag) of the statutes is amended to read:

17 980.02 (2) (ag) The person is within 90 days of discharge or release, on parole,
18 extended supervision or otherwise, from a sentence that was imposed for a conviction
19 for a sexually violent offense, from a secured correctional facility, as defined in s.
20 938.02 (15m), ~~or from~~ a secured child caring institution, as defined in s. 938.02 (15g),
21 or from a secured group home, as defined in s. 938.02 (15p), if the person was placed
22 in the facility for being adjudicated delinquent under s. 938.183 or 938.34 on the
23 basis of a sexually violent offense or from a commitment order that was entered as
24 a result of a sexually violent offense.

1 ***-2105/1.134* SECTION 3209.** 980.02 (4) (am) of the statutes is amended to
2 read:

3 980.02 (4) (am) The circuit court for the county in which the person will reside
4 or be placed upon his or her discharge from a sentence, release on parole or extended
5 supervision, or release from imprisonment, from a secured correctional facility, as
6 defined in s. 938.02 (15m), or from a secured child caring institution, as defined in
7 s. 938.02 (15g), from a secured group home, as defined in s. 938.02 (15p), or from a
8 commitment order.

9 ***-2105/1.135* SECTION 3210.** 980.02 (4) (b) of the statutes is amended to read:

10 980.02 (4) (b) The circuit court for the county in which the person is in custody
11 under a sentence, a placement to a secured correctional facility, as defined in s.
12 938.02 (15m), ~~or~~ a secured child caring institution, as defined in s. 938.02 (15g), or
13 a secured group home, as defined in s. 938.02 (15p), or a commitment order.

14 ***-0284/3.9* SECTION 3211.** 980.03 (4) of the statutes is amended to read:

15 980.03 (4) Whenever ~~the~~ a person who is the subject of ~~the~~ a petition filed under
16 s. 980.02 or who has been committed under s. 980.06 is required to submit to an
17 examination under this chapter, he or she may retain experts or professional persons
18 to perform an examination. If the person retains a qualified expert or professional
19 person of his or her own choice to conduct an examination, the examiner shall have
20 reasonable access to the person for the purpose of the examination, as well as to the
21 person's past and present treatment records, as defined in s. 51.30 (1) (b), and patient
22 health care records as provided under s. 146.82 (2) (c). If the person is indigent, the
23 court shall, upon the person's request, appoint a qualified and available expert or
24 professional person to perform an examination and participate in the trial or other
25 proceeding on the person's behalf. Upon the order of the circuit court, the county

1 shall pay, as part of the costs of the action, the costs of ~~a court-appointed~~ an expert
2 or professional person appointed by a court under this subsection to perform an
3 examination and participate in the trial or other proceeding on behalf of an indigent
4 person. An expert or professional person appointed to assist an indigent person who
5 is subject to a petition may not be subject to any order by the court for the
6 sequestration of witnesses at any proceeding under this chapter.

7 ***-2105/1.136* SECTION 3212.** 980.04 (1) of the statutes is amended to read:

8 980.04 (1) Upon the filing of a petition under s. 980.02, the court shall review
9 the petition to determine whether to issue an order for detention of the person who
10 is the subject of the petition. The person shall be detained only if there is cause to
11 believe that the person is eligible for commitment under s. 980.05 (5). A person
12 detained under this subsection shall be held in a facility approved by the department.
13 If the person is serving a sentence of imprisonment, is in a secured correctional
14 facility, as defined in s. 938.02 (15m), ~~or~~ a secured child caring institution, as defined
15 in s. 938.02 (15g), or a secured group home, as defined in s. 938.02 (15p), or is
16 committed to institutional care, and the court orders detention under this
17 subsection, the court shall order that the person be transferred to a detention facility
18 approved by the department. A detention order under this subsection remains in
19 effect until the person is discharged after a trial under s. 980.05 or until the effective
20 date of a commitment order under s. 980.06, whichever is applicable.

21 ***-0284/3.10* SECTION 3213.** 980.06 (2) (a) of the statutes is amended to read:

22 980.06 (2) (a) The court shall enter an initial commitment order under this
23 section pursuant to a hearing held as soon as practicable after the judgment that the
24 person who is the subject of a petition under s. 980.02 is a sexually violent person is
25 entered. If the court lacks sufficient information to make the determination required

1 by par. (b) immediately after trial, it may adjourn the hearing and order the
2 department to ~~conduct~~ submit a written report as to whether the criterion under par.
3 (b) for institutional care is met. For purposes of preparing the report the department
4 shall conduct a predisposition investigation using the procedure in s. 972.15 or a
5 supplementary mental examination, ~~or both, to assist the court in framing the~~
6 ~~commitment order. A supplementary mental examination under this paragraph~~
7 ~~shall be conducted~~ in accordance with s. 971.17 (2) (b) to (f), ~~or both, and may conduct~~
8 any other investigation or inquiry that it considers appropriate to make the
9 determinations required in the report. The report shall be based on the results of any
10 predisposition investigation, supplementary mental examination and other
11 investigation or inquiry conducted by the department.

12 *~~-0284/3.11~~* SECTION 3214. 980.06 (2) (b) of the statutes is amended to read:

13 980.06 (2) (b) An order for commitment under this section shall specify either
14 institutional care or supervised release. Except as provided in par. (bt), the court
15 shall order institutional care if it finds that it is substantially probable that the
16 person will engage in acts of sexual violence unless the person resides in a facility
17 with a level of security comparable to that of a secure mental health unit or facility
18 specified in s. 980.065.

19 (bm) In determining under par. (b) whether commitment shall be for
20 institutional care or for supervised release, the court may consider, without
21 limitation because of enumeration, the nature and circumstances of the behavior
22 that was the basis of the allegation in the petition under s. 980.02 (2) (a), the person's
23 mental history and present mental condition, where the person will live, how the
24 person will support himself or herself, and what arrangements are available to
25 ensure that the person has access to and will participate in necessary treatment,

1 including pharmacological treatment using an antiandrogen or the chemical
2 equivalent of an antiandrogen if the person is a serious child sex offender. In deciding
3 whether to order supervised release of person who is a serious child sex offender, the
4 court may not consider, as a factor in making its decision, that the person is a proper
5 subject for pharmacological treatment using an antiandrogen or the chemical
6 equivalent of an antiandrogen or that the person is willing to participate in
7 pharmacological treatment using an antiandrogen or the chemical equivalent of an
8 antiandrogen. ~~The department shall arrange for control, care and treatment of the~~
9 ~~person in the least restrictive manner consistent with the requirements of the person~~
10 ~~and in accordance with the court's commitment order.~~

11 ***-0284/3.12* SECTION 3215.** 980.06 (2) (bt) of the statutes is created to read:

12 980.06 (2) (bt) If a court determines under par. (b) that it is substantially
13 probable that the person will engage in acts of sexual violence unless he or she
14 resides in a facility with a level of security comparable to that of a secure mental
15 health unit or facility specified in s. 980.065, but the person establishes that it is
16 likely that the daily cost of supervised release under a plan providing for the person
17 to reside in a secure facility would not exceed the daily cost of institutional care for
18 the person, then the court may withhold final determination of the commitment
19 order and order the department to prepare a supervised release plan under par. (c).
20 After preparation of a supervised release plan ordered under this paragraph, the
21 proceedings shall continue as provided under pars. (cm), (cr), (cs) and (ct), as
22 appropriate.

23 ***-0284/3.13* SECTION 3216.** 980.06 (2) (c) of the statutes is amended to read:

24 980.06 (2) (c) If the court finds under par. (b) that the person is appropriate for
25 supervised release or orders preparation of a supervised release plan under par. (bt).

1 the court shall notify the department. The department and the county department
2 under s. 51.42 in the county of residence of the person, as determined under s.
3 980.105, shall prepare a plan that identifies the treatment and services, if any, that
4 the person will receive in the community. If the county department of the person's
5 county of residence declines to prepare a plan, the department may arrange for
6 another county to prepare the plan if that county agrees to prepare the plan and if
7 the person will be living in that county. If the department is unable to arrange for
8 another county to prepare a plan, the court shall designate a county department to
9 prepare the plan, order the county department to prepare the plan and place the
10 person on supervised release in that county, except that the court may not so
11 designate the county department in any county where there is a facility in which
12 persons committed to institutional care under this chapter are placed, unless that
13 county is also the person's county of residence.

14 (cg) The plan prepared under par. (c) shall address the person's need, if any, for
15 supervision, counseling, medication, community support services, residential
16 services, vocational services, and alcohol or other drug abuse treatment. If the
17 person is a serious child sex offender, the plan shall address the person's need for
18 pharmacological treatment using an antiandrogen or the chemical equivalent of an
19 antiandrogen. ~~The department may contract with a county department, under s.~~
20 ~~51.42 (3) (aw) 1. d., with another public agency or with a private agency to provide~~
21 ~~the treatment and services identified in the plan.~~ The plan shall specify who will be
22 responsible for providing the treatment and services identified in the plan. If the
23 plan was ordered to be prepared under par. (bt), the plan shall include information
24 concerning the daily cost of supervised release under the plan and the daily cost of
25 institutional care for the person.

1 (cm) 2. The plan prepared under par. (c) shall be presented to the court for its
2 approval within 21 days after the court finding finds that the person is appropriate
3 for supervised release under par. (b) or orders preparation of the plan under par. (bt),
4 unless the department, county department and person to be released request
5 additional time to develop the plan. If the county department of the person's county
6 of residence declines to prepare a plan, the department may arrange for another
7 county to prepare the plan if that county agrees to prepare the plan and if the person
8 will be living in that county. If the department is unable to arrange for another
9 county to prepare a plan, the court shall designate a county department to prepare
10 the plan, order the county department to prepare the plan and place the person on
11 supervised release in that county, except that the court may not so designate the
12 county department in any county where there is a facility in which persons are
13 detained or evaluated under s. 980.04 or in which persons committed to institutional
14 care under this chapter are placed, unless that county is also the person's county of
15 residence. The court shall hold a hearing on the plan within 30 days after the plan
16 is presented to the court, unless the department, county department and person to
17 be released agree to a later hearing date. At least 10 days before the hearing under
18 this subdivision, the court shall give written notice of the hearing to the person to be
19 released, the district attorney or department of justice, whichever is applicable, the
20 department, the county department that prepared the plan, the chief executive
21 officer of the county in which the person would reside under the plan and the chief
22 executive officer of the city, village or town in which the person would reside under
23 the plan. The person, the district attorney or the attorney general, whichever is
24 applicable, and any chief executive officer who receives notice of the hearing, or the
25 chief executive officer's designee, may present evidence at the hearing. The county

1 department that prepared the plan and the department may, and upon request of the
2 court shall, present evidence at the hearing.

3 ***-0284/3.14* SECTION 3217.** 980.06 (2) (cm) 1. of the statutes is created to read:

4 980.06 (2) (cm) 1. In this paragraph, "chief executive officer" means a mayor,
5 city manager, village president, town chairperson, county executive or chairperson
6 of the county board of supervisors.

7 ***-0284/3.15* SECTION 3218.** 980.06 (2) (cr), (cs), (ct), (cu) and (cv) of the
8 statutes are created to read:

9 980.06 (2) (cr) Based on the provisions of the plan and on the evidence
10 presented at the hearing under par. (cm) 2., the court shall determine whether the
11 plan provides adequate treatment and services to the person and adequate
12 protection to the community. If the court finds that the plan does not provide
13 adequate treatment and services to the person or adequate protection to the
14 community, the court shall issue a written decision and order disapproving the plan
15 and shall proceed under par. (cs). If the court finds that the plan provides either
16 adequate treatment and services to the person or adequate protection to the
17 community, the court shall, except as provided in par. (ct), issue a written decision
18 and order approving the plan and placing the person on supervised release in the
19 county that prepared the plan.

20 (cs) If the court disapproves a supervised release plan under par. (cr), it shall
21 order the department and the county department that prepared the plan to revise
22 the plan and present it to the court by a date specified by the court. The court shall
23 hold a hearing on the revised plan and make a determination as to whether to
24 approve or disapprove the plan as provided under pars. (cm) 2. and (cr).

1 (ct) If a supervised release plan that satisfies the criteria under par. (cr) was
2 ordered to be prepared under par. (bt), the court may approve the plan and order the
3 person placed on supervised release under par. (cr) only if, based on the provisions
4 of the plan and on the evidence presented at the hearing under par. (cm) 2., the court
5 determines that the daily cost of supervised release would not exceed the daily cost
6 of institutional care. If the daily cost of supervised release would exceed the daily
7 cost of institutional care, the court shall disapprove the supervised release plan and
8 order the person to be placed in institutional care. The court may not order a
9 supervised released plan disapproved under this paragraph to be revised under par.
10 (cs).

11 (cu) If the court approves a supervised release plan under par. (cr), the court
12 shall send a copy of its decision and order approving the plan to the chief executive
13 officers who received notice of the hearing on the plan under par. (cm) 2.

14 (cv) The county department that prepared the plan and the department shall
15 implement a plan approved by the court under par. (cr). In implementing the plan,
16 the department may contract with a county department, under s. 51.42 (3) (aw) 1.
17 d., with another public agency or with a private agency to provide the treatment and
18 services identified in the plan. The department may request the court to make such
19 orders as are necessary to ensure implementation of the plan.

20 ***-0284/3.16* SECTION 3219.** 980.06 (2) (d) of the statutes is amended to read:

21 980.06 (2) (d) An order for supervised release places the person in the custody
22 and control of the department. The department shall arrange for control, care and
23 treatment of the person in the least restrictive manner consistent with the
24 requirements of the person and in accordance with the plan for supervised release
25 approved by the court under par. (cr) or s. 980.08 (5) (d), whichever is applicable. A

SECTION 3219

1 person on supervised release is subject to the conditions set by the court and to the
2 rules of the department. Before a person is placed on supervised release by the court
3 under this section, the court shall so notify the municipal police department and
4 county sheriff for the municipality and county in which the person will be residing.
5 The notification requirement under this paragraph does not apply if a municipal
6 police department or county sheriff submits to the court a written statement waiving
7 the right to be notified. If the department alleges that a released person has violated
8 any condition or rule, or that the safety of others requires that supervised release be
9 revoked, he or she may be taken into custody under the rules of the department. The
10 department shall submit a statement showing probable cause of the detention and
11 a petition to revoke the order for supervised release to the committing court and the
12 regional office of the state public defender responsible for handling cases in the
13 county where the committing court is located within 48 hours after the detention.
14 The court shall hear the petition within 30 days, unless the hearing or time deadline
15 is waived by the detained person. Pending the revocation hearing, the department
16 may detain the person in a jail or in a hospital, center or facility specified by s. 51.15
17 (2). The state has the burden of proving by clear and convincing evidence that any
18 rule or condition of release has been violated, or that the safety of others requires that
19 supervised release be revoked. If the court determines after hearing that any rule
20 or condition of release has been violated, or that the safety of others requires that
21 supervised release be revoked, it may revoke the order for supervised release and
22 order that the released person be placed in an appropriate institution until the
23 person is discharged from the commitment under s. 980.09 or until again placed on
24 supervised release under s. 980.08.

25 ***-0284/3.17* SECTION 3220.** 980.065 (1m) of the statutes is amended to read:

1 980.065 (1m) The department ~~may~~ shall place a person committed to
2 institutional care under s. 980.06 (2) (b) or (ct) at a ~~mental health unit or facility,~~
3 ~~including a the~~ secure mental health unit or facility at established under s. 46.055,
4 the Wisconsin resource center established under s. 46.056 or a secure mental health
5 unit or facility provided by the department of corrections under sub. (2).

6 *~~-0284/3.18~~* **SECTION 3221.** 980.065 (2) of the statutes is amended to read:

7 980.065 (2) The department may contract with the department of corrections
8 for the provision of a secure mental health unit or facility for persons committed to
9 institutional care under s. 980.06 (2) (b) or (ct). The department shall operate a
10 secure mental health unit or facility provided by the department of corrections under
11 this subsection and shall promulgate rules governing the custody and discipline of
12 persons placed by the department in the secure mental health unit or facility
13 provided by the department of corrections under this subsection.

14 *~~-0284/3.19~~* **SECTION 3222.** 980.07 (1) of the statutes is amended to read:

15 980.07 (1) If a person has been committed under s. 980.06 and has not been
16 discharged under s. 980.09, the department shall conduct an examination of his or
17 her mental condition within 6 months after an initial commitment under s. 980.06
18 and again thereafter at least once each 12 months for the purpose of determining
19 whether the person has made sufficient progress ~~to be entitled to transfer to a less~~
20 ~~restrictive facility, to~~ for the court to consider whether the person should be placed
21 on supervised release or to discharge discharged. At the time of a reexamination
22 under this section, the person who has been committed may retain or, ~~if he or she is~~
23 ~~indigent and so requests,~~ seek to have the court ~~may~~ appoint a qualified expert or a
24 ~~professional person to examine him or her~~ an examiner as provided under s. 980.03
25 (4).

SECTION 3222

****NOTE: This is reconciled s. 980.07 (1). This SECTION has been affected by drafts with the following LRB numbers: LRB-0113/1 and LRB-0284/2.

1 ***-0284/3.20* SECTION 3223.** 980.08 (3) of the statutes is amended to read:

2 980.08 (3) Within 20 days after receipt of the petition, the court shall appoint
3 one or more examiners having the specialized knowledge determined by the court to
4 be appropriate, who shall examine the person and furnish a written report of the
5 examination to the court within 30 days after appointment. The examiners shall
6 have reasonable access to the person for purposes of examination and to the person's
7 past and present treatment records, as defined in s. 51.30 (1) (b), and patient health
8 care records, as provided under s. 146.82 (2) (c). If any such examiner believes that
9 the person is appropriate for supervised release under the criterion specified in sub.
10 (4) (a), the examiner shall report on the type of treatment and services that the
11 person may need while in the community on supervised release. The county shall
12 pay the costs of an examiner appointed under this subsection as provided under s.
13 51.20 (18) (a).

****NOTE: This is reconciled s. 980.08 (3). This SECTION has been affected by drafts with the following LRB numbers: LRB-0113/1 and LRB-0284/2.

14 ***-0284/3.21* SECTION 3224.** 980.08 (4) of the statutes is renumbered 980.08
15 (4) (a) and amended to read:

16 980.08 (4) (a) The court, without a jury, shall hear the petition within 30 days
17 after the report of the court-appointed examiner is filed with the court, unless the
18 petitioner waives this time limit. Expenses of proceedings under this subsection
19 shall be paid as provided under s. 51.20 (18) (b), (c) and (d). The court shall grant the
20 petition unless the state proves by clear and convincing evidence that the person is
21 still a sexually violent persons and that it is still substantially probable that the
22 person will engage in acts of sexual violence if the person is ~~not continued in~~

1 ~~institutional care~~ does not reside in a facility with a level of security comparable to
2 a secure mental health unit or facility under s. 980.065.

3 (b) In making a decision under ~~this subsection~~ par. (a), the court may consider,
4 without limitation because of enumeration, the nature and circumstances of the
5 behavior that was the basis of the allegation in the petition under s. 980.02 (2) (a),
6 the person's mental history and present mental condition, where the person will live,
7 how the person will support himself or herself and what arrangements are available
8 to ensure that the person has access to and will participate in necessary treatment,
9 including pharmacological treatment using an antiandrogen or the chemical
10 equivalent of an antiandrogen if the person is a serious child sex offender. A decision
11 under this ~~subsection~~ paragraph on a petition filed by a person who is a serious child
12 sex offender may not be made based on the fact that the person is a proper subject
13 for pharmacological treatment using an antiandrogen or the chemical equivalent of
14 an antiandrogen or on the fact that the person is willing to participate in
15 pharmacological treatment using an antiandrogen or the chemical equivalent of an
16 antiandrogen.

***NOTE: This is reconciled s. 980.08 (4). This SECTION has been affected by drafts
with the following LRB numbers: LRB-0113/1 and LRB-0284/2.

17 ***-0284/3.22* SECTION 3225.** 980.08 (4) (c) of the statutes is created to read:
18 980.08 (4) (c) If a court determines under par. (a) that the person is still a
19 sexually violent person and that it is substantially probable that the person will
20 engage in acts of sexual violence unless he or she resides in a facility with a level of
21 security comparable to that of a secure mental health unit or facility specified in s.
22 980.065, but the person establishes that it is likely that the daily cost of supervised
23 release under a plan providing for the person to reside in a secure facility would not

1 exceed the daily cost of institutional care for the person, then the court may withhold
2 final determination of the person's petition and order the department to prepare a
3 supervised release plan under sub. (5) (a). After preparation of a supervised release
4 plan ordered under this paragraph, the proceedings shall continue as provided under
5 sub. (5) (c), (d), (de) and (dm), as appropriate.

6 *~~0284/3.23~~* SECTION 3226. 980.08 (5) of the statutes is renumbered 980.08
7 (5) (a) and amended to read:

8 980.08 (5) (a) If the court finds under sub. (4) (a) that the person is appropriate
9 for supervised release or orders preparation of a supervised release plan under sub.
10 (4) (c), the court shall notify the department. The department and the county
11 department under s. 51.42 in the county of residence of the person, as determined
12 under s. 980.105, shall prepare a plan that identifies the treatment and services, if
13 any, that the person will receive in the community. If the county department of the
14 person's county of residence declines to prepare a plan, the department may arrange
15 for another county to prepare the plan if that county agrees to prepare the plan and
16 if the person will be living in that county. If the department is unable to arrange for
17 another county to prepare a plan, the court shall designate a county department to
18 prepare the plan, order the county department to prepare the plan and place the
19 person on supervised release in that county, except that the court may not so
20 designate the county department in any county where there is a facility in which
21 persons committed to institutional care under this chapter are placed, unless that
22 county is also the person's county of residence.

23 (b) The plan prepared under par. (a) shall address the person's need, if any, for
24 supervision, counseling, medication, community support services, residential
25 services, vocational services, and alcohol or other drug abuse treatment. If the

1 person is a serious child sex offender, the plan shall address the person's need for
2 pharmacological treatment using an antiandrogen or the chemical equivalent of an
3 antiandrogen. ~~The department may contract with a county department, under s.~~
4 ~~51.42 (3) (aw) 1. d., with another public agency or with a private agency to provide~~
5 ~~the treatment and services identified in the plan.~~ The plan shall specify who will be
6 responsible for providing the treatment and services identified in the plan. If the
7 plan was ordered to be prepared under sub. (4) (c), the plan shall include information
8 concerning the daily cost of supervised release under the plan and the daily cost of
9 institutional care for the person.

10 (c) 2. The plan prepared under par. (a) shall be presented to the court for its
11 approval within 60 days after the court ~~finding~~ finds that the person is appropriate
12 for supervised release under sub. (4) (a) or orders preparation of the plan under sub.
13 (4) (c), unless the department, county department and person to be released request
14 additional time to develop the plan. ~~If the county department of the person's county~~
15 ~~of residence declines to prepare a plan, the department may arrange for another~~
16 ~~county to prepare the plan if that county agrees to prepare the plan and if the person~~
17 ~~will be living in that county. If the department is unable to arrange for another~~
18 ~~county to prepare a plan, the court shall designate a county department to prepare~~
19 ~~the plan, order the county department to prepare the plan and place the person on~~
20 ~~supervised release in that county, except that the court may not so designate the~~
21 ~~county department in any county where there is a facility in which persons~~
22 ~~committed to institutional care under this chapter are placed unless that county is~~
23 ~~also the person's county of residence.~~ The court shall hold a hearing on the plan
24 within 30 days after the plan is presented to the court, unless the department, county
25 department and person to be released agree to a later hearing date. At least 10 days

1 before the hearing under this subdivision, the court shall give written notice of the
2 hearing to the person to be released, the district attorney or department of justice,
3 whichever is applicable, the department, the county department that prepared the
4 plan, the chief executive officer of the county in which the person would reside under
5 the plan and the chief executive officer of the city, village or town in which the person
6 would reside under the plan. The person, the district attorney or the attorney
7 general, whichever is applicable, and any chief executive officer who receives notice
8 of the hearing, or the chief executive officer's designee, may present evidence at the
9 hearing. The county department that prepared the plan and the department may,
10 and upon request of the court shall, present evidence at the hearing.

11 ***-0284/3.24* SECTION 3227.** 980.08 (5) (c) 1. of the statutes is created to read:

12 980.08 (5) (c) 1. In this paragraph, "chief executive officer" means a mayor, city
13 manager, village president, town chairperson, county executive or chairperson of the
14 county board of supervisors.

15 ***-0284/3.25* SECTION 3228.** 980.08 (5) (d), (de), (dm), (ds) and (e) of the
16 statutes are created to read:

17 980.08 (5) (d) Based on the provisions of the plan and on the evidence presented
18 at the hearing under par. (c) 2., the court shall determine whether the plan provides
19 adequate treatment and services to the person and adequate protection to the
20 community. If the court finds that the plan does not provide either adequate
21 treatment and services to the person or adequate protection to the community, the
22 court shall issue a written decision and order disapproving the plan and shall
23 proceed under par. (de). If the court finds that the plan provides adequate treatment
24 and services to the person and adequate protection to the community, the court shall,

1 except as provided in par. (dm), issue a written decision and order approving the plan
2 and placing the person on supervised release in the county that prepared the plan.

3 (de) If the court disapproves a supervised release plan under par. (d), it shall
4 order the department and the county department that prepared the plan to revise
5 the plan and present it to the court by a date specified by the court. The court shall
6 hold a hearing on the revised plan and make a determination as to whether to
7 approve or disapprove the plan as provided under pars. (c) 2. and (d).

8 (dm) If a supervised release plan that satisfies the criteria under par. (d) was
9 ordered to be prepared under sub. (4) (c), the court may approve the plan and order
10 the person placed on supervised release under par. (d) only if, based on the provisions
11 of the plan and on the evidence presented at the hearing under par. (c) 2., the court
12 determines that the daily cost of supervised release would not exceed the daily cost
13 of institutional care. If the daily cost of supervised release would exceed the daily
14 cost of institutional care, the court shall disapprove the supervised release plan and
15 deny the person's petition for supervised release. The court may not order a
16 supervised released plan disapproved under this paragraph to be revised under par.
17 (de).

18 (ds) If the court approves a supervised release plan under par. (d), the court
19 shall send a copy of its decision and order approving the plan to the chief executive
20 officers who received notice of the hearing on the plan under par. (c) 2.

21 (e) The county department that prepared the plan and the department shall
22 implement a plan approved by the court under par. (d). In implementing the plan,
23 the department may contract with a county department, under s. 51.42 (3) (aw) 1.
24 d., with another public agency or with a private agency to provide the treatment and

1 services identified in the plan. The department may request the court to make such
2 orders as are necessary to ensure implementation of the plan.

3 ***-0284/3.26* SECTION 3229.** 980.12 (1) of the statutes is amended to read:

4 980.12 (1) The Except as provided in ss. 980.03 (4) and 980.08 (3), the
5 department shall pay from the appropriations under s. 20.435 (2) (a) and (bm) for all
6 costs relating to the evaluation, treatment and care of persons evaluated or
7 committed under this chapter.

8 ***-0030/2.132* SECTION 3230.** 985.01 (1) of the statutes is renumbered 985.01
9 (1m).

10 ***-0030/2.133* SECTION 3231.** 985.01 (1g) of the statutes is created to read:

11 985.01 (1g) "Governing body" has the meaning given in s. 345.05 (1) (b) and
12 includes a family care district board under s. 46.2895.

13 ***-0030/2.134* SECTION 3232.** 985.01 (3) of the statutes is amended to read:

14 985.01 (3) "Municipality" has the meaning in s. 345.05 (1) (c) and "~~governing~~
15 ~~body" the meaning in s. 345.05 (1) (b) with reference to such municipality includes~~
16 a family care district under s. 46.2895.

17 ***-1836/2.29* SECTION 3233.** 992.21 of the statutes is created to read:

18 **992.21 Actions by division of savings and loan validated.** Any action
19 taken by the division of savings and loan between July 1, 1996, and the effective date
20 of this section [revisor inserts date], under the name of the division of savings
21 institutions has the same force and effect in all respects as if the action had been
22 taken under the name of the division of savings and loan.

23 ***-1817/4.4* SECTION 3234.** Laws of 1929, chapter 151, section 1 is amended
24 to read:

1 [Laws of 1929, chapter 151] Section 1. All the right, title and interest of the
2 state of Wisconsin in the lands hereinafter described, whether any part or parcel
3 thereof may be, at the time of the passage and publication of this act, dry or
4 submerged under the waters of Lake Michigan are hereby ceded, granted and
5 confirmed to the city of Milwaukee, a municipal corporation, for the purpose of
6 improving, filling, and utilizing the same for public park purposes or in aid of
7 navigation and the fisheries, in any manner the said city may deem expedient, ~~and~~
8 ~~particularly for the purpose of.~~ Such land may also be used for the purpose of
9 establishing and maintaining thereon breakwaters, bulkheads, piers, wharves,
10 warehouses, transfer sheds, railway tracks, airports, and other harbor facilities,
11 together with such other uses not inconsistent with the improvement of navigation
12 and fisheries in Lake Michigan, and the navigable waters tributary thereto, as said
13 city may deem expedient.

14 ***-1817/4.5* SECTION 3235.** Laws of 1929, chapter 151, section 3 is amended
15 to read:

16 [Laws of 1929, chapter 151] Section 3. The said grantee, the city of Milwaukee,
17 shall not convey any portion or the whole of the lands so granted, ceded and
18 confirmed, and described in section 2 of this act, to any other party, either by
19 warranty deed, quit claim, or in any other manner, except that it may convey to the
20 government of the United States such portion thereof as may be desirable for the
21 promotion of navigation; and it may also convey said lands to any harbor district or
22 other public corporation that may hereafter be organized, under any law of this state,
23 for public park purposes or for the purpose of maintaining and operating a public
24 port; and it may further lease for limited terms not exceeding thirty years, such
25 particular parcels or portions thereof as the board of harbor commissioners may

1 deem expedient, to parties desiring to employ such leased portions and parcels for
2 public park purposes or in the maintaining, operating or using of any harbor facilities
3 thereon.

4 ***-1817/4.6* SECTION 3236.** Laws of 1929, chapter 151, section 4 is amended
5 to read:

6 [Laws of 1929, chapter 151] Section 4. Whenever the said city of Milwaukee
7 shall convey or attempt to convey the whole or any portion of the lands hereby
8 granted, ceded or confirmed, to any other party except as herein provided, or shall
9 use said lands or any part thereof for purposes permanently inconsistent with their
10 use for public park purposes or for the promotion of navigation and the fisheries, such
11 land, or any part thereof so conveyed or attempted to be conveyed, or used
12 inconsistently as hereinabove stated, shall revert to the state of Wisconsin.

13 ***-1817/4.7* SECTION 3237.** Laws of 1973, chapter 76, section 1 is amended to
14 read:

15 [Laws of 1973, chapter 76] Section 1. All the right, title and interest of the state
16 of Wisconsin in the lands hereinafter described, whether any part or parcel thereof
17 may be, at the time of the passage and publication of this act, dry or submerged under
18 the waters of Lake Michigan are hereby ceded, granted and confirmed to the city of
19 Milwaukee, a municipal corporation, for the purpose of improving, filling, and
20 utilizing the same for public park purposes or in aid of navigation and the fisheries
21 and in addition for such further and other use which the board of harbor
22 commissioners of the city of Milwaukee may deem appropriate and expedient and
23 which the common council approves by resolution. Such land ~~shall~~ may also be used
24 for the purpose of establishing and maintaining thereon breakwaters, bulkheads,
25 piers, wharves, warehouses, transfer sheds, railway tracks, airports, and other

1 harbor facilities, together with such other uses not inconsistent with the
2 improvement of navigation and fisheries in Lake Michigan, and the navigable
3 waters tributary thereto, as the city may deem expedient.

4 ***-1817/4.8* SECTION 3238.** Laws of 1973, chapter 76, section 3 is amended to
5 read:

6 [Laws of 1973, chapter 76] Section 3. The city of Milwaukee, shall not convey
7 any portion or the whole of the lands so granted, ceded and confirmed, and described
8 in SECTION 2 of this act, to any other party, either by warranty deed, quit claim, or
9 in any other manner, except that it may convey to the government of the United
10 States such portion thereof as may be desirable for the promotion of navigation; and
11 it may also convey lands to any harbor district or other public corporation that may
12 hereafter be organized, under any law of this state, for public park purposes or for
13 the purpose of maintaining and operating a public port; and it may further lease for
14 an initial term not exceeding 30 years, such particular parcels or portions thereof as
15 the board of harbor commissioners considers advisable, to parties desiring to employ
16 such leased portions and parcels for public park purposes or in a manner determined
17 by the board of harbor commissioners to be for the best interests of port and harbor
18 development.

19 ***-0689/2.10* SECTION 3239.** 1995 Wisconsin Act 292, section 5 is repealed.

20 ***-0689/2.11* SECTION 3240.** 1995 Wisconsin Act 292, section 12 is repealed.

21 ***-0689/2.12* SECTION 3241.** 1995 Wisconsin Act 292, section 14 is repealed.

22 ***-0689/2.13* SECTION 3242.** 1995 Wisconsin Act 292, section 16 is repealed.

23 ***-0689/2.14* SECTION 3243.** 1995 Wisconsin Act 292, section 20 is repealed.

24 ***-0689/2.15* SECTION 3244.** 1995 Wisconsin Act 292, section 22 is repealed.

25 ***-0689/2.16* SECTION 3245.** 1995 Wisconsin Act 292, section 24 is repealed.